

# National Civic Review

(Formerly National Municipal Review)

May 1959

Volume XLVIII, No. 5

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- ▶ Why a Law Course on Municipal Corporations?

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- ▶ Lease-Purchase Fails

*Joseph F. Zimmerman*

- ▶ Revised Constitution  
Drafted for North Carolina



PUBLISHED BY THE  
**NATIONAL MUNICIPAL LEAGUE**

# National Civic Review

Carl H. Pforzheimer Building, 47 East 68th Street, New York 21, N. Y.

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# Call May Council Meeting

A mid-year meeting of the League's governing Council, to be held May 1, has been called by President Cecil Morgan.

The meeting, scheduled to be held from 2 to 5 P.M. in the Osborn Room of the Carl H. Pforzheimer Building, will hear reports on current activities and will consider matters of policy, program and future plans.

President Morgan called the meeting after discussing the need for it with the executive committee at a meeting held on March 30, attended also by Richard S. Childs, chairman, William Collins, George Gallup and Frank A. Vanderlip, Jr.

The executive committee adopted a budget of \$153,891 for general operations and a budget of \$59,920 for the State Constitutional Studies Project for the year 1959.

The committee heard reports on the problem of changing the League's name, on the success of the series of celebrations in cities which won the All-

*(Continued on next page)*

## Committee Picked For Conference

Appointment of a committee on local arrangements for the 65th annual National Conference on Government, which will be held November 15 to 18 in Springfield, Massachusetts, has been announced by Hollis M. Carlisle, general chairman.

Mr. Carlisle is a member of the National Municipal League's governing Council.

Roger L. Putnam, Sr., who was mayor of Springfield when the Conference was last held in that city in 1941 and who participated in the program, has agreed to head the honorary committee.

Jack Reynolds, general chairman of the Eastern States Exposition, the largest fair east of the Mississippi, will serve as vice chairman of the committee.

Joseph Napolitan, executive director of the Springfield Citizens' Action Commission, a group of 500 citizens appointed by Mayor Thomas J. O'Connor, will serve as coordinator for all Conference functions.

Other members of the committee are Edward Jones, executive director of the Springfield Taxpayers' Association and of Future Springfield, Inc., chairman of the program committee;

Wilfred Grandison, district manager of the New England Telephone Company, publicity;

William Flood, president, Converse-Carlisle Coal Company, entertainment;

John Mannix, classified advertising manager of the Springfield Newspapers, luncheon coordinator;

Tom Fitzgerald, general manager,

*(Continued on next page)*

Members of the League's executive committee meeting in the Osborn Room.





Special exhibits will be shown during Springfield Conference at Museum of Fine Arts (left), Connecticut Valley Historical Museum (end), Museum of Natural History (right), in the Quadrangle pictured above.

### **Conference Committee**

*(Continued from previous page)*

Springfield Chamber of Commerce, headquarters;

Helen Shea, functions manager, Shelton Hotel, attendance;

Leonard Marcus, president, the Marcus Sign Company, downtown decorations;

Bruce MacLeod, president, the Valley Bank and Trust Company, finance;

Mrs. Emma Anderson, former president, Springfield League of Women Voters, women's events.

### **May Council Meeting**

*(Continued from previous page)*

America Cities award, on a pending application for a foundation grant to finance a revision of the *Model City Charter*, and on financing plans for the year.

Mr. Childs reported progress in the development, with the aid of many volunteer consultants, of the following proposed model laws: *Model Election Administration System* (revision), *Model Civilian Absentee Voting Law*, *Model State Presidential Primary Law* and *Model State Campaign Contributions and Expenditures Law*.

It was reported that the audit of the League's 1958 operations by Price, Waterhouse & Company had been completed but that the formal report would not be ready for presentation until Carl H. Pforzheimer, Jr., treasurer, had completed his study of the recommendations accompanying it.

Symmetry is the word for the municipal group in Springfield, with Municipal Auditorium at left, campanile in center and City Hall at right.





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Published monthly except August by the National Municipal League

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## Editorial Comment

# Why a Law Course on Municipal Corporations?

By MURRAY SEASONGOOD\*

**"SHOULD Lawyers Be Citizens,"** (*Harvard Law Record*, September 11, 1946, page 1) sought to interest law students in knowledge and study of the problems of municipal corporations and urged new members of the bar to plunge into, or at least support, good local politics. "Public Service By Lawyers In Local Government" (2 *Syracuse Law Review*, Spring Issue, 1951, pages 210, 216-17) took the view that the part lawyers have played in local government has, on the whole, been somewhat earthy and not glorious and the author tried to show some of the reasons why this has been so.

This present paper seeks to emphasize that a contributing cause of the general prevalent lack of knowledge, interest and participation in the problems of municipal corporations by lawyers on an unselfish basis is due to schools, universities, law schools, bar associations and bar examiners having left the law and practice of municipal corporations in a gray ugly duckling period. If the law school would give courses on the subject by teachers having enthusiasm, and preferably some practical experience, and if they would impress

upon students the vital importance of the law being taught in their course, the ugly duckling could grow into the fabled white swan.

Too often the operations of local government and law relating to it are not taught or are taught indifferently, without enthusiasm, by persons having no real knowledge of the legal problems and workings of local government. One of the reasons for this is that not enough bar examiners include the subject, even optionally. True, the newer curricula in law schools comprise many branches of law, such as taxes, private international law, labor law, industrial or workmen's compensation, statutory law, Security Exchange Commission and the law relating to numerous other administrative agencies.

Many of these new subjects were scarcely referred to half a century ago. But now they are of very great importance. Still, they are no more essential or interesting than the study of municipal corporations in the broad sense, including all the agencies of local government. If a law student, after graduation, knows little of local government, and becomes a judge or other public official, he may deal repressively with experiments for improved local government. But schools, colleges and particularly law schools can easily, if they will try, inspire the quest and support of good local government as among the highest types of peacetime activity.

President Bonsal, in a letter to

\* Mr. Seasongood, Cincinnati attorney, is a former president of the National Municipal League and former mayor of Cincinnati. An active civic leader for half a century, Mr. Seasongood has served in local, county, state and national capacities and has written and spoken extensively on public affairs problems. This guest editorial was first published in the *Harvard Law Record* for March 19, 1959, and is reprinted here with permission.

the members of the Association of the Bar of the City of New York, January 15, 1959, quotes the following from the late great Chief Justice Hughes, always a local good government enthusiast:

You cannot maintain democratic institutions by mere forms of words or by occasional patriotic vows. You maintain them by making the institutions of our republic work as they are intended to work.

Law students have a lot of idealism and are receptive. An account of the cleaning by the late William Travers Jerome, as district attorney, and his lawyer group, of the Augean stables of vice and crime in New York City should be read by law students. During a visit to Cambridge early in the century, in which he told of them, he had many of his student hearers aflame with resolve to do their utmost to prevent such conditions in the locality in which they would practice.

The present-day law schools turn out excellent lawyers, skilled technicians, much in demand in the large cities and elsewhere, well paid and ready and adequate to transact important legal business and to carry on the good legal traditions of the offices with which they affiliate. But, in general, graduates are not equipped to go into legal positions in local government nor are they possessed of an interest in local government legal problems. (See "Some Observations on Local Government in New York State," Diamond, 8 *Buffalo Law Review* 27, 1958.) If they were, the standing of the legal profession would be improved.

Then, too, there is a practical value to a knowledge of the law relating to municipal corporations. Experts

in this field are needed. The state, county and city legal departments in the more populous communities have places for thousands of lawyers. These should be selected, as in most instances they are not, and serve on the basis of proficiency with merit tenure rather than as part of the patronage system.

In no other branch of law are there more interesting, novel experiments. A grant of home rule that frees local subdivisions from the restraints of strict construction of state granted powers is still unknown in most of our country. The extent of the grant of home rule is determined by court interpretations. A grudging, unsympathetic or machine politics approach to these may enfeeble or destroy the grant.

\* \* \*

Modern zoning and planning in cities, counties and regions are vital for the success of the territory involved. Multiple legal questions arising every year in connection with these and with problems of annexation, regional and metropolitan government, for successful solution require understanding and open-mindedness for success. Some random examples are:

To what extent may zoning be retroactive? What are the comparative rights of the public and of the abutter in connection with freeways, parking meters?

To what extent are the *caveat* of setbacks or of long delay following declaration of intention to condemn for street widening to be allowed under the police power without compensation?

Is excess condemnation constitutional? It was expressly authorized

in the Ohio constitution, but practically obliterated by court decisions until the necessities of public housing and redevelopment in effect restored it in the ever changing realm of public purpose.

As respects the merit system and civil service in local government, how are these to be successfully conducted in the face of veterans preference laws and the rise of unions of public employees with demands for compulsory arbitration, closed shop, and maintenance of membership.

Whether a municipal corporation shall be liable for negligence of its employees calls for reexamination and escape from the still prevalent doctrine that originated under different conditions, so that the sovereign should not be liable, although the employee concerned would be, when the operation is in a governmental rather than in a proprietary capacity.

Shall public-private capacity doctrine be allowed to insinuate itself into other subjects like taxation and interpretations of powers?

The student of the law of municipal corporations will find a casebook on municipal corporations, published even fifteen or twenty years ago, to a substantial degree outdated. New legal problems come with the advent of more modern mechanical agencies, e.g., photostats, photocopies, microfilm, parking meters, automotive vehicles, police, fire, water, lighting, garbage and waste collections and disposals, and numerous services being modernized.

The importance of legal protection for the aesthetic in the public domain is more and more being recognized. City airports, taken for granted now, have presented and still present im-

portant legal problems. National and state leagues of municipalities, to cope with problems common to members that were regarded as invalid in some places a generation ago, are valuable aids in the enlarged functions impressed upon municipalities.

New theories of rate regulation, public ownership, growth of authorities, the recurrent question whether advertising the advantages of the city and its promotion of private industries are permissible, all involve legal problems which the local community is called on to solve. New and better methods of election and new forms of city, county, regional and metropolitan government and legal problems inherent in all of them are pushing forward.

\* \* \*

None but the most callous can be made acquainted with these without wanting to have a part in their successful development. If the public administration of local communities is a citizen merit system, the difference shown in results, over performance of the same functions by political machines serving on the basis of favors and patronage, will amount to a saving of millions of dollars and create a more respected government. Some of the increasing burden of taxation cannot be avoided. But a substantial portion of it can be lessened by efficiencies such as are used in private industry and by experiments viewed sympathetically and allowed to function by devoted, understanding and nonpartisan courts and local officials.

Let law schools give the idealistic and practical study of municipal corporations a fair chance to establish its worth. It will not fail to do so.

# Passive But Powerful

Opinion polls and pressure groups add a vast dimension to the dilemmas of civic educators.

By RALPH M. GOLDMAN\*

THE era of golden kazoos, hidden persuaders and subliminal projection seems to be with us. The painfully won glories of popular sovereignty, the promising millenium of mass participation in self-government, the great movements toward higher levels of collective rationality—all these seem to go down the drain.

But men of strong faith and critical mind will insist that the premises of democracy are of harder stuff. These staunch democrats will remind us that politicians and hucksters have for centuries been busily developing one technique after another to influence popular judgment—and each other's. New techniques have won temporary advantages for the innovators.

Competitiveness among politicians and hucksters also has persisted. New methods of persuasion invariably compel the persuaders to learn new skills for communicating with those to be persuaded. Radio was available to Hoover but Roosevelt knew how to use it. The persuader, however, cannot long maintain his sense of direction or his claim upon success without knowing how well he has been persuading whom, in what numbers and for how long.

\* Professor Goldman, of the Department of Political Science at Michigan State University, is executive director of the Maurice and Laura Falk Foundation Graduate Fellowship Program at that university, a special program designed to produce more effective teachers of politics.

For example, the day is about gone when the citizen finds it necessary to join torchlight parades, shout from soapboxes, or picket the capitol to be heard. Today, Mr. Average Citizen can hold an opinion privately, even passively, and still be influential. As always, politicians are eager to know what he is thinking on his own, just as much as they would like to shape some of that thinking. Increasingly these politicians have turned to two significant new tools for acquiring information about Mr. Citizen's thoughts: the public opinion poll and the organized interest group.

Of the two, the "pressure group" is the more obvious. The number and influence of organized interest groups in American civic life have had a phenomenal growth during the past five or six decades. The public opinion poll, on the other hand, has had only two decades in its modern form and has been the less visible. Together these tools have added a vast new dimension to the body of influential citizens, namely, the passive public.

Looking at interest groups first, we find that we can make only estimates regarding their number. In 1929 it was estimated that over 500 groups maintained representatives in Washington on a continuing basis. In 1949 a roster prepared by the Department of Commerce listed more than 200,000 national and local groups of every description.

Each organized group usually has a dues-paying membership, elective officials and a staff or secretariat. Usually the leaders and the staff do the political work. Members generally support the organization's objectives though they may disagree with particular positions taken for them by their leaders. For example, a substantial number of doctors opposed the American Medical Association's recent campaign to defeat health insurance legislation. This minority set up a special committee to say so for them. In general, though, the organized group's member is paying to have certain interests represented in government and in the political wars. The groups perform the representative function as loosely as do the political parties but more concretely with respect to particular issues and problems of public policy.

Politicians and public officials recognize this. Whom do the members of Congress trot out when there is a hearing on a major public issue? Representatives of the organized interest groups. Who prepare a third of the bills that go into the congressional hopper? The pressure groups. Whom do administrative officials in the executive departments consult regarding the problems of implementing legislation affecting various interests? The staffs of the interest groups.

In short, organized interest groups maintain a continuing oversight on governmental decisions, are persistent and insistent about articulating the points of view they represent, keep their members informed on affairs touching upon their interests and usually can mobilize strength enough to veto inimicable legislation.

This is a profound force for compromise in a democratic society.

Turning to public opinion polls, what influence can these possibly have? After all, don't politicians like Harry Truman ridicule the polls? Aren't the polls sometimes wrong, as in the presidential outcome of 1948? Can a sample of 3,000 persons really tell us what 100 million potential voters are thinking? Furthermore, are not opinion polls a threat to our democracy in that they provide political manipulators with private information aimed at making their manipulations more effective?

\* \* \*

Taking this last question first, remember that a democracy is institutionally different from a dictatorship. A politician in a dictatorship can tell a lie and fool all the people for a long, long time because he can destroy those who would inform the people otherwise. In a democracy, liquidation is not common practice, to say the least. There is institutionalized competition in our party system, in our press and among our pressure groups—enough to make short shrift of the persistent liar.

Opinion polls have played a large role in measuring and anticipating public reactions, particularly in their influence upon politicians and public officials. We need only remember how influential polling data was in the Dewey campaign strategy of 1948. Dewey followed a play-it-cool strategy because the polls said he would probably win. He didn't win. But he was influenced by the polls in making his political judgments.

In the 1952 Republican national convention Senator Taft as "Mr. Republican" reportedly was the over-



whelming favorite of the convention delegates. But the delegates were there to pick a national winner after twenty years in the political wilderness. The public opinion polls showed Eisenhower with an eleven-point lead over Taft among Republican voters and a 32-point lead among independent voters. "Taft can't win" influenced enough delegates to give the nomination to Eisenhower. This was no walkaway for Eisenhower. The polls made the case for him.

\* \* \*

What do politicians themselves think of the role of the opinion polls? Over 100 members of Congress were asked this question several years ago. Only 9 per cent acknowledged that polls played a substantial part in helping them determine the desires of their constituents. Thirty per cent said the polls were a partial help. Sixty-one per cent denied that polls helped. But, when asked whether they thought the polls helped other public men obtain this information, 23 per cent said "yes," 47 per cent said "in part," only 21 per cent said "no," and 9 per cent had no opinion.

In another study of the usefulness of means for finding out public opinion, congressmen ranked personal mail first, visits to the public second, newspapers third, visits from the public fourth and opinion polls last. Administrators, with no prerogatives or skills to defend, ranked the polls first, visits to the public second, newspapers third, personal mail fourth and visits from the public fifth.

In former days, politicians paid closest attention to folks who came out to vote or otherwise made themselves heard. Influence and activism usually went together. Today, the

"activation" of the passive public via opinion polls and pressure groups adds something new and important to American politics. Along with his more opinionated brethren, a person may now be influential whether he has an attitude he keeps to himself, an opinion he expresses quietly or no opinion at all. The polls and the interest groups have extended the suffrage and altered its character.

In arriving at estimates of what people are thinking, politicians and public officials rely more and more upon information gathered by the polls and through interest groups. The politician is as interested in knowing how many voters have no opinion as in how many are for or against him. As a consequence, the content and quality of public affairs depend increasingly upon the level of interest and information of the passive as well as the active public.

What do we know about the passive public and its levels of political interest and information? The high proportion of our citizens who are not politically informed is depressing indeed. A survey directed by Professor Samuel Stouffer of the Laboratory of Social Relations at Harvard asked the following question in 1953: "There is a good deal of discussion these days about congressional committees investigating communism. Do you happen to know the names of any of the senators or congressmen who have been taking a leading part in these investigations of communism?" Thirty per cent of the national sample could not come up with a single correct name, not even the name of Senator McCarthy.

At the height of presidential election campaigns, according to the



Gallup poll, it is consistently found that only about half the voters can name either vice presidential nominee. Approximately one in ten do not even know who is running for president.

These figures are a measure of the size of the uninformed public in the United States. The next question is whether or not the voter cares enough about public affairs to participate in politics.

\* \* \*

The Survey Research Center at the University of Michigan, in its 1952 study of presidential elections, found that one person in nine took some part in organized campaign efforts of that presidential contest—contributed money, attended meetings, performed a variety of political party work. On the other hand, one person in four was involved in an informal way—talking to friends and family, etc. Projected into absolute figures for the entire population of voting age, the one in nine represents about 11 million people involved in the formal campaign and the one in four represents about 25 million involved informally. Conversely, about 89 million were not involved formally and about 75 million were not involved informally.

These figures refer to national affairs. The turnout for local affairs is appallingly less. Research on one community (Ann Arbor, Michigan) during the 1920s revealed that voting in city elections averaged about one-third of the presidential turnout; much less if taken as a percentage of eligible voters. In February and March of 1940 some 324 local elections in Massachusetts—a relatively civic-minded state—were classified

according to the percentage of local to 1940 presidential vote cast. In half, the local elections turnout was less than 70 per cent of the vote cast for president in that year; again the percentage would be less if it were based upon eligible voters.

The Governmental Research Center of the University of Kansas prepared a comprehensive survey of voter participation in small cities—5,000 to 50,000 population—of that state for the period 1932 to 1950. The median percentage of voter participation in national and state elections was 65 while for city elections it was 27.3.

What do the voters think about the efficacy of their participation in politics? Certainly if the average citizen feels that most major policy decisions are the work of "wire-pullers," or that the complexities of modern government have made citizen participation either impossible or insignificant, this would be an indication of a high degree of political futility. Between one-fifth and one-third of the voters feel a sense of low political efficacy, according to findings of the Survey Research Center. And, of course, these were the same people who participated little in public affairs. In other words, one-third of the voters don't know, don't care, don't participate and believe that participation is useless. This is about 35 million people in our adult population.

This contrasts with the 11 to 25 millions who do know, do care, do participate and who feel that participation is effective. Not to be overlooked is the great middle group—the 40 to 50 million adults who don't feel strongly, who know a bit but not much, who care a bit but not much,

who participate but not much and who are not much interested in being effective.

This discouraging portrait of civic interest, knowledge and participation becomes more discouraging when we examine the changing environment in which even the highly interested and articulate citizen must operate. All the methods used for decades by the active citizenry are rapidly falling into technological obsolescence. The right of assembly and petition is still a fundamental aspect of our constitution, but the words themselves refer to a somewhat quaint practice of Revolutionary days.

\* \* \*

Today public officials are distant; organized pressure groups function in place of town meetings; and what politicians call "inspired" mail—that is, form letters—often takes the place of petitions. Delegations visiting legislators and other public officials, "marches" on the capitol, and similar operations are so expensive that they require much planning, fund-raising and coordination.

Other forms of activity continue in use perhaps more for the psychic satisfaction of the participants than for the political influence exerted. Contributing to campaigns, according to a study under way at the University of North Carolina, usually gains little or no political influence for the contributor. This study should explode a popular myth about political contributions—particularly about the large contributions. The men who make the largest contributions are usually important enough on other grounds to exercise influence without ever having made a contribution.

Some people write letters to the editors of newspapers; others attend meetings and conferences to discuss civic problems; others write to their congressmen or to other public officials. These people get some personal satisfaction from this form of activity. They are the psychological activists but their influence is often negligible.

The picture of citizen apathy and ineffectiveness seems grim. A large passive public is rapidly being drawn into the political process in an important way, yet that passive public is neither concerned with nor prepared for politics. Those of aristocratic philosophy will see this as having a deflationary effect upon the worth of our public affairs.

Those of egalitarian and democratic faith, however, need not lose heart. Every large-scale extension of the suffrage—in the Jacksonian era, the Reconstruction era, the woman's suffrage era, and undoubtedly in the evolving civil rights era in the south—brings with it electoral growing pains. New civic participants need to be acquainted with unfamiliar political habits and institutions. New persuaders need to become familiar with new audiences. Political competitors need to teach each other moderation in political tactics and propaganda. Political vitality usually follows such periods of electoral transition.

Although not strictly an extension of the suffrage, the polls and the interest groups undoubtedly amount to the same thing as indirect participation in public affairs. In democratic theory, some participation is always better than none. Good democrats may also seek comfort in the proba-

bility that, as more knowledge is gathered about the passive public, competing political forces will turn their propaganda guns upon it. A substantial political education is inevitable when competing propagandas go about unmasking each other and seeking the active loyalty of the passive.

The assignment of getting the 35 millions who don't know and don't care to the point where they do know and do care, and of getting the 40 millions who don't know very much to the point where they will know much more, is not one that can be left to an "indirect" form of civic participation or to competing propagandists. The challenge is one for American civic educators to tackle. As research has shown time and again, the higher the education level of the voter, the greater his interest in politics, the greater his exposure to communications about public affairs and the greater his knowledgeable participation. In the study conducted by the Survey Research Center in 1952, 50 per cent of the people who felt a real sense of political efficacy were people who had attended college. Grade school people made up only 15 per cent of those with a high sense of efficacy.

Adults among the passive public are those whose views most immediately concern the practicing politicians. It follows, therefore, that the most urgent aspect of this civic education responsibility lies with those educators working mainly with the adult voting population, particularly at the local community level where political abstinence is severest.

Admittedly, adult education needs overhauling and expansion. The in-

crease in adult leisure time and the need for an educated labor force in an automated economy already have outmoded the present tendency to consider adult education an odd-and-end appendage to our regular educational system—geared as the latter is to the instruction of children and youth. Pressures for the development of a more interested and informed electorate, particularly that part of it drawn from the passive public, accentuate the urgency for building an adult education system that can provide a new form of civic involvement.

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To view adult education as a form of civic involvement may be called a "tax collector" approach to civic education. Few activities keep our concern for public affairs keener than does the simple requirement that we pay taxes every year. When income tax day arrives, even the lowest income person finds something to think of or say about the current operation of his government. Modern tax systems are about as important for the sense of citizen involvement they impart as for revenue raising purposes.

Similarly, the person who is being formally educated cannot help but ponder some of the affairs of citizenship, particularly since the odds are that he is attending class in a public building and at public expense. Adult participation in the educational process is more than a search for information and training. Education—both formal and informal—is a kind of exposure, stimulus and involvement. And adult education is probably the most strategic point at which to begin pulling the passive public into civic involvement for the era that is dawning.

# No Place for Parties

Municipal nonpartisan tradition is hailed as a barrier against political patronage and bossism.

By C. C. LUDWIG\*

**R**ECENT Minnesota developments in the form of national party endorsements of municipal candidates in some cities and statutory proposals to place party labels on local candidates raise the question: What is the effect of this on the Minnesota nonpartisan municipal tradition and is this a desirable development? While a development of this kind cannot properly be called either all good or all bad, it seems that the net effect on balance is undesirable.

I am not questioning the need for citizen participation and the role which local organizations and municipal parties may play in municipal politics but rather the role of the national parties in this respect.

Municipal government in large part is concerned with intimate, personal problems. It includes a large number of community services which may be called municipal housekeeping. The emphasis, especially in smaller places, is on administration of these citizen-contact services and the supervision of administration. The handling of this type of problem is not given national partisanship.

Municipal government policies and

practices differ from community to community. They defer to local public opinion and recognize differences in conditions. This produces considerable diversity. Admittedly this right to be different can be overemphasized; our increasing interdependence often calls for state and national intervention or assistance and this tends toward greater uniformity. Nevertheless, there is a real value in our diversity—it encourages experimentation and local initiative; it develops self-reliance and citizen participation. The idea that a considerable amount of local autonomy should be entrusted to municipal governments is especially strong in Minnesota and other so-called home rule states.

It is obvious that municipal issues in Minnesota will often differ from national party issues and platforms, and in many cases will not be related at all to them. And, aside from any questions about issues, there is the overriding question of the personal qualifications and performance of candidates for municipal office.

In the earlier years of American history, partisanship was often equated with patronage and bossism and the intrusion of this into municipal politics was deplored as a barrier to the development of civil service and other merit system devices. More recently the party encumbrances of patronage and bossism are gradually disappearing and parties are coming

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to fill a more desirable and responsible role in the national scene. Nevertheless, there still remain many undesirable effects when national partisanship is applied to municipal politics.

The first undesirable effect is that it relegates municipal problems, municipal officials and municipal citizenship to a "tail to dog" relationship to the national parties. Municipal affairs and issues are thus ignored or minimized. Party activity in municipal elections is conceived of as a desirable exercise and activity for party workers whose primary objective is national partisanship. When municipal candidates are party labeled they are looked upon as probationary vote getters for possible promotion and use in state and national elections. The primary purpose is not to settle municipal problems nor to secure and approve a competent local government performance in the city hall.

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National partisanship applied to municipal politics tends to divide citizens undesirably with respect to questions of good government competence and the solution of municipal problems. These basic questions are not appropriately answered by labeled Republicans and Democrats working against each other. They are better answered by Republicans and Democrats working together through local parties or civic organizations arising out of and adapted to the local scene. National partisanship in municipal politics also discourages independent candidates who in many instances might be the best alternatives for local purposes.

Another effect is to discourage the

growth and use of local civic organizations in municipal politics. Such organizations—citizens' leagues, leagues of women voters, committees on responsible government, and many others with various names—spring out of, and are devoted to, the discussion and solution of community problems. Being predominantly local, they are adapted to their particular communities and their participation in municipal politics is much to be preferred over that of the national parties. If national parties enter this area they are likely to have municipal affairs inadequately covered in their platforms or, if covered, inappropriately adapted to variable local situations.

Commentators generally concede that municipal government improvements have come faster in communities with a nonpartisan practice than in those with a party labeling practice. We believe that Minnesota municipalities as a class are above average in the national picture and that this situation is attributable partly to the nonpartisan municipal tradition.

The trend throughout the country as evidenced by statistics on charter revision is in the direction of nonpartisanship. These indicate that the percentages of cities with nonpartisan elections over the past several five-year intervals were:

1942	— 56.1 per cent
1947	— 57 per cent
1952	— 59.4 per cent
1957	— 61 per cent

Political science writers are not entirely agreed on this question. Writing about 1908, Woodrow Wilson proved to be a bad prophet when he

referred slightly to a "score of efforts to obtain nonpartisan local political action" and warned that "such efforts always in the long run fail."

In 1917, Charles A. Beard said: "But I cannot be too emphatic when I say that not a single one of our really serious municipal questions—poverty, high cost of living, overcrowding, unemployment, low standards of life, physical degeneracy—can be solved, can even be approached, by municipalities without the cooperation of the state and national governments, and the solution of these problems calls for state and national parties."

More recent commentators are more inclined to go along with the nonpartisan idea. The late Charles E. Merriam, of the University of Chicago, said: "The lines that divide men in national affairs do not run in the same direction in local questions, and the attempt to force them to do so has been a conspicuous failure in this country."

\* \* \*

Professor O. Garfield Jones, of the University of Toledo, "hit the nail on the head" when he said in 1929: "When we will have solved this problem [separating national parties from municipal politics] to the satisfaction of our citizenry we will have national parties with more singleness of purpose and therefore more loyalty among their membership. We will also have more clear-cut issues in municipal politics and each city will then be free to achieve its own municipal destiny."

Professor Harold F. Alderfer, of the Institute of Local Government at Pennsylvania State University, sum-

marizes current thinking on nonpartisan elections as follows:

One of the important local political developments in the United States has been the increase of nonpartisan elections. Arthur Bromage [University of Michigan] sees a distinct trend toward nonpartisan primaries and elections in cities. He found that in 1950, 81 per cent of cities over 5,000 population that were governed under council-manager government had nonpartisan ballots. So also had 75 per cent of the commission cities and 42 per cent of mayor-council cities.

Contrasting partisan and nonpartisan municipal elections, Professor Bromage states that in partisan municipal elections independents are debarred as councilmen, those who run in the primary are examined as to previous party activity and given support on that ground, old timers can be more easily put across, and minority parties have little or no chance for success. Furthermore, candidates with the "wrong" party labels do not win, and new ideas about the structure of city government have little support from party organizations. Party organizations look upon municipal elections as essential cogs in party operations. Richard S. Childs, after questioning 48 cities covering more than 500 elections, found that in nonpartisan elections the politicians "did not throw their weight, officially or non-officially, openly or covertly."<sup>1</sup>

The National Municipal League in its *Guide for Charter Commissions*<sup>2</sup> comments as follows:

<sup>1</sup> The quotation by Professor Alderfer is from his book, *American Local Government and Administration*, Macmillan, New York, 1956, page 248; Mr. Childs' quotation may be found in his article, "500 Nonpolitical Elections," *NATIONAL MUNICIPAL REVIEW*, June 1949.

<sup>2</sup> Third edition, New York, 1957, page 36.



National and state parties have no valid significance in municipal affairs and it has proved unfortunate to have municipal elections and issues decided solely upon the basis of electing Democrats or Republicans. If candidates are labeled on the ballot as Democrats or Republicans, or if straight party voting is encouraged by arranging all the candidates of each party in a single row or column, or by permitting a straight vote with a single mark (X), the major parties can dominate and exploit the local government without ever presenting any genuinely local issues. Thus they succeed in electing party wheel horses who have no particular fitness for municipal office.

By 1956, 61 per cent of the cities over 5,000 were reported as having nonpartisan local elections, that is, elections with no party designations. It is generally agreed this development has resulted in considerable improvement. This scheme does not necessarily eliminate political parties but it tends to shift the basis of party division to one which makes more sense in terms of local issues. It also has certain other results. It compels national party leaders to remain more in the background in municipal elections. If they put up candidates they do so on the quiet, they cannot call for straight-ticket voting by any easy ready-made device, and they have to put up candidates who have some real merit and appeal as candidates for city offices. Ultimately a nonpartisan tradition may come into being as it already has in many places. The voters, having a free choice among candidates for each office, frequently elect some candidates who are independents as well as some who in national and state politics are Republicans or Democrats. All these have to work together in the city government. As a

result, national party strife must be put aside so that concerns of the city become the principal basis of municipal action.

The most plausible argument made in favor of national partisanship in municipal politics is that this would facilitate cooperation between local, state and federal government levels. Such cooperation is indeed necessary in this modern day, but it is accomplished most effectively by the natural cooperation among the professionals and administrators who serve all three levels; and there is a serious question whether the divisiveness resulting from national partisan conflicts is really conducive to fair interlevel cooperation.

\* \* \*

Summing up the Minnesota experience and prospects, I believe we should:

1. Take pride in the very commendable progress we have made under our nonpartisan municipal tradition;
2. Hold on to this tradition;
3. Resist the intrusion of national partisanship into Minnesota municipal affairs;
4. Continue to improve our municipal government job in all its aspects—technical, policy, civic;
5. Encourage the interest and participation of civic groups in municipal affairs and cooperate wholeheartedly with them in attaining the objective of community improvement;
6. Continue our present nonpartisan approach in the necessary and desirable cooperation with our state and national governments.



# Lease-Purchase Fails

U. S. abandonment of 'installment plan' buying of buildings analyzed as lesson for all governments.

By JOSEPH F. ZIMMERMAN\*

THE federal government historically has secured office and other necessary space either by the construction of buildings with appropriated funds or by the rental of privately owned space. A significant change in public buildings construction law occurred on July 22, 1954, when Congress enacted the so-called lease-purchase program.<sup>1</sup> Municipalities have used lease-purchase financing for some years.<sup>2</sup>

Until the passage of the lease-purchase act no procedure had been available whereby title to leased property could be transferred to the federal government upon expiration of a lease period. Public Law 519 permitted the government to enter into lease-purchase contracts with private groups for the construction of post offices and other buildings designed for public use on government-owned sites which are leased to the financing contractor during the construction and lease periods. Annual payments by the government amortize the cost of the building over a period of years, at the end of which title passes to the government. In

other words, the lease-purchase act permits the federal government to buy buildings on the installment plan. The government pays local real estate taxes directly to the taxing authority during the term of the purchase contracts. Iowa, Kansas and Oklahoma passed legislation authorizing municipalities to issue revenue bonds secured by these lease-purchase contracts. Minnesota passed a similar law, but it is limited in application to Minneapolis. Since these laws permit lease-purchase property to be owned by municipalities, no local property taxes would be paid.

Public Law 519 provided for a three-year period during which the House and Senate Public Works Committees could approve lease-purchase projects. The House of Representatives on March 27, 1958, voted a ban against the acquiring of new sites or the planning of any new lease-purchase construction after June 30, 1958.

## *Views of Proponents*

Proponents of lease-purchase cite eight advantages in addition to the fact that the program is cheaper than term leasing. The arguments advanced in favor of the federal program would apply equally to any lease-purchase programs that might be adopted by state and local governments.

First, it was contended that the

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<sup>1</sup> Public Law 519, 83rd Congress, 2nd Session, 685 Stat. 518.

<sup>2</sup> See "Lease-Purchase Plan of Municipal Financing Gains Increasing Favor," *American City*, February 1952.

budget would not permit necessary appropriations for the direct construction of urgently needed federal buildings. The annual lease-purchase payments, however, would be a small fraction of the total cost of direct construction and, hence, would not strain the budget.

Second, while the buildings could be constructed by the government with borrowed funds, the debt limit would have to be raised. Lease-purchase allows the government to acquire buildings without affecting the debt.

Third, if the needed buildings were constructed by the federal government, there is no guarantee that its indebtedness will be liquidated. Such borrowed funds may be refunded and never liquidated. Granting that payments under a lease-purchase contract are obligations of the federal government, these obligations will be liquidated when the lease expires.

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Fourth, the lease-purchase program smooths out the sharp swings in federal spending occasioned by enormous lump-sum appropriations for the direct construction of buildings. The annual lease-purchase payments would be relatively stable in amount.

Fifth, the federal government must provide good working conditions or it will be unable to attract and hold competent personnel.

Sixth, the present method of obtaining space by rental for short terms results in the use of buildings only partially adapted to the peculiar requirements of the federal government because investors must have properties which can readily be adapted to other uses in the event the government terminates leases. Lease-pur-

chase buildings are built to government specifications and consequently are more efficient. The economies which result from the greater efficiency of government employees in lease-purchase buildings reduce, in effect, the cost of lease-purchase buildings.

Seventh, lease-purchase is a private enterprise program which results in tax payments to the United States Treasury.

Eighth, the lease-purchase program does not erode local property tax rolls during the lease period.

### *Views of Opponents*

The lease-purchase program has been attacked upon five major grounds.

First, some are of the opinion that the lease-purchase program would weaken congressional control of the purse strings of the government. In a letter to the editor of the *New York Times* of April 27, 1954, Herbert E. Gaston of Santa Monica, California, formerly chairman of the Export-Import Bank, said: "The main thing the bill [lease-purchase] will do, aside from any question of public cost and private profit, will be to upset governmental and budgeting practices of some 165 years. It will do this by enabling the executive departments, with the consent of committees of Congress, to buy public buildings on the installment plan."

Second, the lease-purchase program appears to some to be a budgetary swindle to enable the government to launch a major building program without showing the construction costs under current expenses.

Third, the House Appropriation Committee has contended that the

lease-purchase program is expensive and would cost twice as much as direct construction. The committee in March 1958 recommended direct construction of 66 buildings originally scheduled under the lease-purchase program. According to the committee, to construct these under lease-purchase would cost \$348,435,950 as compared to a direct appropriations cost of \$177,255,000. It must be pointed out, however, that this comparison fails to consider the interest cost of the \$177,255,000 of deficit financing required by direct construction.

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Fourth, the lease-purchase program was opposed by several senators on the ground that the federal government upon the expiration of leases would find itself owning antiquated buildings. The Post Office Department for this reason generally prefers straight leasing in obtaining space to provide the flexibility it requires. One has to agree that a lease-purchase building, by the time the government acquires title, might have become inefficient with respect to the latest methods of processing mail, but this would also be true of a building constructed by direct appropriation.

Fifth, the House Committee on Public Works attacked the program as a failure because only one building was under construction (Rock Island, Illinois, post office and court house) when the act expired.

#### *Complicating Factors*

Why was the lease-purchase program not successful? A number of reasons can be cited to explain why it did not fulfill the high expectations of its sponsors.

First, the then Secretary of the Treasury George M. Humphrey placed a 4 per cent ceiling on the interest rate on the investment. This rate of return did not interest lending institutions because the financing bids were invited during a period of tight money. Funds were available but at a rate of approximately 5 per cent. W. Randolph Burgess, Under Secretary of the Treasury, testified, at hearings before the Subcommittee of the Committee on Public Works of the Senate in February 1957, that he felt it would be unwise to raise the interest rate. "If you put this rate up, you are really putting a rate on government securities and, when we go to the market, and we are going to have to go pretty soon to raise several billion dollars worth of cash, we are going to pay through the nose and there will be more difficulty in getting it."

Second, many lenders felt that the security offered, the government's contractual obligation to make annual payments, was inadequate. Leon S. Hirsh, a financial legal consultant, said at the same hearings: "That the federal government is the mortgagor does not appreciably change the competitive approach to investors. . . . Past experience reveals deliberately broken post office leases where the lessor was forced to go to the court of claims for relief. And only too well known is the difficulty of procuring appropriations—multiplied by the necessity for recurring ones—to meet installments to come due over a long term of years." Potential lenders indicated that market acceptability would be materially aided if the full faith and credit of the United States were pledged.

Third, the aggregate annual payments under a lease-purchase contract were limited to 15 per cent of the appraised fair market value at the date of completion of construction. Franklin G. Floete, administrator of the General Services Administration, complained at the subcommittee hearings in May 1957 that there was no need for such an arbitrary limitation: "Congress sets the maximum limit or cost for the project by approving estimates recommended by this agency [GSA] and has specified the minimum and maximum number of years over which the purchase price may be amortized, at the end of which time title to the property is required by statute to vest in the United States. Any arbitrary limitation on the percentage of fair market value which may be amortized annually might render the contract impossible of performance. In addition, it is most impracticable, if not impossible, to determine in advance and before completion what the fair market value will be upon completion."

Fourth, the investment quality of lease-purchase was not fully explained to small investors. The small investor preferred the well understood and traditional investment opportunities.

Fifth, construction bids usually were rejected by the government as higher than the plans called for. This was due to two factors: (1) there was a 7 per cent annual increase in construction costs during this period which was not considered in the original plans; (2) funds could be borrowed at 4 per cent only at a discount which means the real interest rate set by competition was approximately 5 per cent. What investors could not

get from an interest rate on a continuing basis they made up for in an increased bid for construction.

Sixth, the lease-purchase forms were of great length and required much time and money to complete. Construction firms spent as much as \$10,000 to prepare a bid. Many hesitated to spend the funds necessary because there was no assurance that a reasonable bid would be accepted.

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Seventh, some construction firms felt they would be wasting their time in preparing a construction bid since they did not know whether anyone would provide the necessary financing. The construction and financing bids were separate on buildings other than post offices.

Eighth, with the exception of one project, a major deterrent was the fact that the General Services Administration did not let a job under the lease-purchase program. Consequently, many people in the construction and financing industry felt that the GSA did not mean business.

Ninth, many small contractors did not bid because they were unfamiliar with financing arrangements.

The conclusion is inescapable that the federal lease-purchase program failed completely to achieve its objective of providing urgently needed space. All levels of government can profit from the experience of the federal government with the program. The principal reason for its failure was the 4 per cent maximum ceiling placed upon the interest rate on the investments during a period of tight money.

Businessmen frequently urge a government to adopt a successful business device or technique. Al-

though the lease-purchase method of financing has many advantages for a private business firm, it does not necessarily follow that it holds the same advantages for a government. For example, one advantage of the lease-purchase method to a private business firm is the fact that rents paid are tax deductible and lower the firm's federal income tax liability. The government, however, suffers a tax disadvantage when it utilizes lease-purchase since it must pay local property taxes during the life of the lease. A state government would suffer the same tax disadvantage if it utilized lease-purchase financing. It should not be inferred, however, that it is impossible for governments to derive significant benefits from the adoption of business devices and techniques.

Installation of a federal capital budgeting program merits serious consideration by Congress. Such a program would permit construction of federal buildings at the lowest possible cost and insure that there is adequate advance planning to provide new facilities when needed. The lease-purchase program does not insure the long-range planning of public buildings. A capital budgeting program, of course, would not solve all the immediate space needs of the federal government. Term leasing could be utilized in conjunction with the capital budget until the space backlog is reduced. A government will always need to utilize term leasing to provide the necessary flexibility in meeting short-term space requirements. It must be pointed out that the need for capital budgeting is also great on the state and local governmental levels.

Adoption of capital budgeting by

all levels of government would have an important fiscal implication in that it would provide a backlog of planned projects which could be drawn upon immediately if a depression occurred. Increased spending for public works is a favorite fiscal device used to generate employment. The relative lack of planned public works has hampered economic recovery programs in the past.

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The construction of federal buildings by direct appropriation in prime locations in cities removes valuable property from the local tax rolls. The federal lease-purchase program, if it had been successful, would have been beneficial to local governments since taxes would be paid on lease-purchase buildings. To assist local communities financially, the federal government should seriously consider limited payments in lieu of taxes to the localities whose tax base is eroded by direct federal construction.

Architectural plans for new public buildings should be carefully developed in order to facilitate their renovation to meet changing requirements. Although it may not be possible to design a post office building so that it can be converted inexpensively to meet changing requirements for processing mail, it should be possible to design it in a manner as to permit conversion of the building to commercial uses which would facilitate its sale at an advantageous price.

The lease-purchase method of financing has been used with success by several municipalities. Cities operating under state-imposed debt limits are attracted to the program

(Continued on page 261)

# News in Review

City, State and Nation . . .

H. M. Olmsted, Editor

## Revised Constitution Drafted for N. C.

### Statutory Reorganization Proposals Also Advanced

THE 90-year-old constitution of North Carolina has been studied by a fifteen-member Constitutional Commission from early in 1958 until the completion of the commission's report early this year. Since adoption of the present constitution in 1868, 135 amendments have been made, and the commission found so much duplication, obsolescence, lack of clarity and other deficiencies that it decided to prepare a fully revised document for consideration by the legislature, which can, if it sees fit, submit it to popular vote in November 1960 or earlier.

The commission was appointed by Governor Luther H. Hodges, pursuant to a joint resolution of the legislature (1957); the chairman has been Victor S. Bryant of Durham and the executive secretary, George W. Hardy, III, of the law faculty of the University of North Carolina.

The report, submitted to the governor and the legislature, sets forth 58 recommendations for substantive changes. Among the more important aspects of these, in the view of the commission, are the following.

**Legislative Department.** The Senate membership would be increased from 50 to 60. A population basis, with none of the state's 100 counties to be divided in the formation of Senate districts unless entitled to two or more senators, is retained; but instead of leaving redistricting to the Senate alone, a committee consisting of the Senate president (the lieutenant governor), the pro tem presi-

dent and the speaker of the House, would prepare a redistricting plan after each federal census and submit it to the legislature. If the latter "has not acted, either altering or revising the proposal," prior to adjournment of the session, the proposal would have the force and effect of an act of the legislature.

The House of Representatives would continue to have 120 members, each county to have at least one, with the additional members apportioned to the larger counties by a prescribed population formula. As a new feature the speaker would have the ministerial function of applying the formula after each census, such action to have the force of law.

The pay of legislators would be increased from \$15 to \$20 per day; that of the presiding officers from \$20 to \$25.

Extension of home rule was not proposed; the legislature was left with its present broad powers, restated in simpler form, to control local government by general, local and special legislation.

**Executive Department.** The proposed constitution specifies conditions under which the lieutenant governor would succeed to the office of governor and those under which he would merely be acting governor. To allow flexibility in the event of major disaster, the legislature would have power to determine the order of succession to the governorship after the lieutenant governor.

To insure continuity in the functioning of the lower executive offices, the governor is given power to appoint an acting officer pending appointment to fill a vacancy or during temporary physical or mental incapacities of an executive officer.

To provide means for determining inability of the governor to discharge his



duties, the legislature would have power to do so by vote of two-thirds of the members of each house; a simple majority could restore him to active duty. He would be entitled to a hearing. The legislature would provide methods for determining incapacity of other constitutional executive officers and the cessation of such incapacity.

Another recommendation is to delete the present prohibition against increasing the compensation of executive officers during their terms. The prohibition against reducing their salaries remains. The effect is, in this respect, to give executive officers the same status as judges have had since 1836.

The present provision for ten elective executive officers is retained.

*Judicial Department.*<sup>1</sup> The basic structure and methods of selecting judges of the Superior and Supreme Courts are left virtually as at present, except that the legislature could continue, revise or

<sup>1</sup> A committee of the North Carolina Bar Association, headed by Senator J. Spencer Bell of Charlotte, has prepared a report and recommendations for the organization and operation of a unified court system; and the State Committee for Improved Courts, appointed by Governor Hodges and headed by J. Spencer Love, Greensboro industrialist, has conducted a campaign of education with regard to the Bar Association proposals. To a substantial extent they are embodied in the judicial article of the proposed constitution. They would, however, give greater administrative authority over the courts to the Supreme Court, with the chief justice as the responsible executive head, and with a new "administrative officer" to assist him. They would have the Supreme Court establish the rules of procedure for all the courts, whereas the proposed constitution would have the legislature "provide by law for the regulation of the methods of proceeding of all courts below the appellate division."

The Bar committee recommended a system of district courts with judges and magistrates, largely similar to the judges and trial commissioners of the proposed constitution; but would have the judges and magistrates appointed by the chief

abolish the rotation of Superior Court judges; it could add two judges to the Supreme Court; and, upon recommendation of the latter, could establish an appellate court between the Supreme and Superior Courts.

A new system of district courts would supersede all existing lower courts, including those of justices of the peace, by January 1, 1965. They would have judges who would be selected in a uniform manner to be prescribed by the legislature, and also trial commissioners appointed by a regular Superior Court judge from nominations made by the chief district judge.

A new provision would prohibit making the compensation of any judge or trial commissioner depend upon his decision or the collection of costs.

The legislature would be required to provide a uniform, statewide system of listing and drawing both grand and petit jurors.

All references to the offices of coroner and constable would be deleted from the constitution; however, this would not abolish these offices.

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*Taxation.* Every classification and every exemption of property for purposes of taxation would have to be made by uniform rule applicable throughout the state. With the exception of the power to classify trades and professions for local license tax purposes, the legislature would be forbidden to delegate its powers of classification and exemption.

Present provisions as to levy and use of a capitation tax would be deleted; but the legislature would not thereby be barred from levying such a tax.

*Education.* The present provision granting to the State Board of Education broad supervisory and administrative

justice of the Supreme Court from nominations submitted by the resident regular Superior Court judge. As to juries, it recommended a special jury commission in each county, to list and draw jurors.



powers over the public schools, beyond those specifically granted by the constitution, would be replaced by a clause authorizing the legislature to prescribe the powers of the board in so far as they are not constitutionally defined.

The present requirement of separation of the races in the public schools would be deleted; but the power of the legislature to make grants for private education of children is continued and the power of local option units to close public schools when the voters decide to do so is made more definite.

*Constitutional Amendment and Revision.* Present alternative methods of constitutional changes are retained—a convention of the people, called by a two-thirds vote of the legislature subject to approval of the voters, and the proposing of changes to the people by three-fifths vote of the legislature; but specifications for conventions would be added, including election of delegates apportioned on the same basis as members of the House of Representatives, limitation upon its authority, and a requirement that the proposed constitutional changes must be submitted to popular vote. It is made clear that either method could be used to amend the constitution or to propose a new or revised one.

### Reorganization Proposals

The third Commission on Reorganization of State Government to function in North Carolina in the last six years has rendered a series of eleven reports on certain aspects of state organization, for consideration by the governor and the 1959 legislature.

Like its two predecessors,<sup>2</sup> of 1953-1955 and 1955-1957, the 1957-1959 commission, although operating under a broad directive for the study of all agencies of the state government, took a step-by-step

approach rather than proposing far-reaching changes. It confined its attention to the executive branch and avoided propositions requiring amendment of the state constitution, leaving that field to the Constitutional Commission.

The reorganization commission consisted of nine present or former legislators, appointed by Governor Hodges. One had served on the two former commissions and another on the 1955-1957 body. The Institute of Government of the University of North Carolina supplied research facilities.

The topics of the eleven reports, and outstanding recommendations therein, are:

1. *Interstate Cooperation.* Recommended that the North Carolina Commission on Interstate Cooperation, which has been only intermittently active, conduct studies and make recommendations to the governor and the legislature concerning proposed interstate compacts and model legislation prepared by the Council of State Governments. Its membership should be reduced from nineteen to nine—three each from the Senate, the House of Representatives and the executive branch.

2. *Turnpike Authorities.* Recommended that the two such authorities now existing be abolished on the score that the toll roads they were expected to construct are not necessary or economically feasible, especially in view of the federal interstate highway program.

3. *State Planning Agencies.* Recommended that the inactive State Planning Board be abolished, inasmuch as the Department of Administration has power to plan state programs and activities and the Department of Conservation and Development provides planning assistance to local governments.

4. *Utilities Commission.* Recommended that the membership of this commission, having the greatest responsibility of any quasi-judicial agency of the

<sup>2</sup> See the NATIONAL MUNICIPAL REVIEW, May 1955, page 253; October 1955, page 471; April 1957, page 196; December 1957, page 575.

state, be reduced from five to three, with increase in compensation and retirement benefits to put the commissioners on an equal footing with judges of the Superior Court. Six-year overlapping terms are proposed; the governor would thus appoint one member every two years. At present he appoints three members within a month after the beginning of his term. Retired commissioners would be subject to recall for emergency duty.

5. *State Legislative Building.* Recommended that an appropriate new building be constructed for legislative sessions and offices, in view of the inadequacy of the state capitol; a bond issue of \$7 million is proposed.

\* \* \*

6. *Succession to State Executive Offices and Disability of Officers.* Recommended that the governor or the board or commission authorized to appoint the regular holder of an office also be authorized to appoint an acting or interim officer to serve during a vacancy and pending appointment for the unexpired term, or during the disability or extended absence of the regular officer. The appointing authority would also have power to determine when the officer is physically or mentally incapable, subject to appeal. The governor would also be authorized, in event of war or imminence of attack, to designate interim heads of agencies who are ordinarily appointed by a board or commission.

7. *Public Records Management.* Recommended that state agency heads cooperate with the Department of Archives and History in its records management program.

8. *Board of Alcoholic Control.* Recommended that the board's administrative duties, now performed by the chairman, be transferred to a director of alcoholic control, to be appointed by the board for a four-year term, with the approval of the governor. The chairman would become a part-time unsalaried member.

9. *State Land Management.* Recommended that the Department of Administration be granted authority for the disposition of vacant and unappropriated state land, now handled by the secretary of state, and of swamp lands now under the Board of Education; also that counties be authorized to contract with the state for the joint financing of mapping state and private lands.

10. *State Accounting and Disbursement.* Recommended that, rather than a large-scale central accounting office, there be established in the budget division of the Department of Administration a small accounting section to design a state system of accounts, to help state agencies improve their accounting methods, to develop a new budget manual, to instruct state accounting personnel and to determine how machine or electronic data-processing can best be used in the state's accounting and disbursing processes.

11. *Water Resources Management.* Recommended that a Department of Water Resources be created, to take over the functions of the State Board of Water Commissioners, the Division of Water Resources, Inlets and Coastal Waterways, and the ground water research functions of the Division of Mineral Resources of the Department of Conservation; it would also include the State Stream Sanitation Committee. The department would be governed by a seven-member Board of Water Resources, representing various interests, to be appointed by the governor for six-year overlapping terms; administration would be under a director appointed by the board with the governor's approval.

### **Many Changes Sought In Pennsylvania Constitution**

A two-stage process of amendment, rather than complete revision by a convention, has been recommended for the Pennsylvania constitution by the state's Commission on Constitutional Revision

after more than a year of research, study, meetings and public hearings.

The present constitution was proposed by a convention and adopted by popular vote in 1873, becoming effective January 1, 1874. It is the fourth since 1776. It has been amended 59 times, out of 86 attempts which reached the voters. Five efforts to call a convention for general revision have failed at the polls.

The commission was established by act of the legislature in 1957; five members were appointed by Governor George M. Leader, five by the president pro tempore of the Senate and five by the speaker of the House of Representatives. It organized on January 7, 1958, with Judge Robert E. Woodside of the Superior Court of Pennsylvania as chairman, Judge Horace Stern, former chief justice of the Supreme Court of the state as vice chairman and Senator Robert D. Fleming as secretary. Other members included public officials, lawyers, educators, businessmen and representatives of the League of Women Voters and the Council of Republican Women.

\* \* \*

While finding that the present document contains unnecessary and undesirable provisions, and lacks various desirable ones, the commission decided in favor of revision by amendment rather than the calling of a convention in view of the record of voter opposition to conventions, the fact that the provisions of the present constitution have been interpreted and construed by court decision, and the prospect that a new one would entail further and costly interpretation over many years. However, all sections of the present constitution were examined and passed upon.

Proposed or suggested changes were divided into three classes: (1) Those deemed of first importance, critically needed for the efficient conduct of the state government; (2) very desirable but

not vital for efficient conduct of the government; and (3) changes that would improve the language and form of the constitution, but which were not considered of sufficient importance to be recommended for adoption other than as part of a general revision. For the first two classes of amendments joint resolutions were prepared for action by the legislature—twenty of the first class, fifteen of the second.

The twenty proposals of first importance are, briefly:

1 and 13. Trial by jury to be inviolate in criminal cases, rather than in all cases; (13) waiver by accused in non-capital cases to be permitted.

2. Legislature to be a continuing body with annual sessions. They are now biennial.

3. Elimination of present restrictions, as to Senate districts, that no city or county shall be entitled to separate representation exceeding one-sixth of the 50-member Senate. This restriction permits only eight senators for Philadelphia, which would otherwise now be entitled to ten.

4. If the legislature fails to reapportion after a federal census, the governor shall immediately call it into special session for that sole purpose, and it shall not adjourn *sine die* until reapportionment has been completed.

5. Special sessions not to be limited as to subjects.

6. Next governor to be eligible for two consecutive terms—not now permitted.

7. Board of Pardons reconstituted; increased from four members to five including the chairman of the Board of Parole.

8. Philadelphia's courts of common pleas to be unified; constitutional basis for prothonotaries to be eliminated.

9. Justices of the peace or "aldermen" to be elected from districts of substantially equal population established in the

number deemed necessary by the court of common pleas for each county except Philadelphia (instead of from existing wards, districts, boroughs or townships); for services in judicial proceedings they shall receive salaries from the county, not fees as at present.

10. Magistrates' courts in Philadelphia to be reduced in number, with somewhat greater jurisdiction; rules of procedure to be prescribed by the court of common pleas.

11. Present provision for limited vote in election of judges of Supreme Court to be repealed. This was intended to aid in representation of the minority party thereon.

12. The "Pennsylvania plan" for selection of judges to be applied to statewide courts and those of Philadelphia and Allegheny Counties (optional for other counties). Judicial commissions, each consisting of one judge, three lawyers selected by the bar and three laymen appointed by the governor, to present panels of three nominees to the governor; he to appoint from a given panel, or successive panels if called for; the appointee to serve for a year and then run against his record; if approved by the voters he would serve a full term and could run again unless otherwise barred.

14. Voting in a district from which the voter has moved within 60 days prior to an election to be permitted.

15. Creation of state debt for capital improvements, if authorized by the legislature and the electorate, to be permitted; all bonds to be serial bonds of not more than 30 years. Present limit is \$100 million, restricted to highways.

16. Municipal debt exceeding 2 per cent of market value of taxable property must be approved by the electorate; present top limit of 7 per cent of assessed value abolished. Legislature to have power to impose additional restrictions or limitations of uniform character.

17. The state treasurer to be required to set apart the necessary funds if the legislature fails to appropriate adequately for a sinking fund to cover debt principal and interest.

18. Present specifications as to county officers to be replaced by legislative authority to provide for county government, including optional plans of organization, subject to voter adoption.

19. Home rule charter power to be extended to boroughs as well as cities on self-executing basis (existing grant of such power to cities being subject to passage of enabling legislation). Legislative power to provide optional plans of municipal organization of cities and boroughs retained. Charter municipalities to have full autonomy as to legislative, executive and administrative structure and municipal personnel, except as to judicial review of administrative proceedings and the requirement of an elective municipal legislature.

20. Amendments to the constitution to be approved by two successive regular sessions of the legislature, instead of by two successive legislatures. If annual sessions are adopted this will shorten the period before submission to popular vote.

\* \* \*

The chief points in the second list of suggested amendments are:

Extend requirements of competitive bidding to all state purchases, so far as practicable; eliminate the secretary of the commonwealth, secretary of internal affairs and superintendent of public instruction as constitutionally required executive officers (leaving four elective constitutional officers); require majority rather than two-thirds Senate approval of governors' appointees to offices of attorney general, or others authorized by legislature; permit the elective auditor general and the state treasurer to serve two successive terms; permit Philadelphia to complete city-county consolida-

tion without further enabling legislation; extend legislative power over the provisions of present and future charters of private corporations; provide for constitutional amendment by initiative; and require a review of the constitution by a commission every fifteen years.

### **Minnesota Abandons Presidential Primary**

The Minnesota legislature on March 24 repealed that state's presidential primary law, which had given Minnesota the nation's earliest primary, on the first Tuesday of March. Primaries for state candidates will still be held in September; presidential electors will be picked by conventions.

### **Basic Court Reform Passed in Connecticut**

Reorganization of the Connecticut court system, leading feature in the legislative program of Governor Abraham Ribicoff, was approved 33 to 2 by the State Senate on March 25, after passage by the House of Representatives 199 to 67. It takes effect January 1, 1961. As reported in the *New York Times*, the 168 town and city courts (and the Danbury Traffic Court), which now handle minor civil and criminal cases and traffic violations, will be superseded by a state circuit court of 44 full-time judges, with annual salaries of \$15,000. The courts abolished, which date largely from 1639, include 66 municipal courts and 102 "trial justice" courts. Republican leaders sought to retain the latter, existing largely in rural communities on a part-time basis.

The 44 new judges will be appointed for four-year terms by the governor, with legislative confirmation. Half must be from each major party. They are to appoint prosecutors, assistant prosecutors, clerks and other court officials, and are directed to divide the state into several court circuits.

Jury trials will be permitted in the circuit courts. One-third of the fines collected in motor-vehicle cases will be returned to the towns where the arrests occurred.

### **Partial Court Reorganization in New York**

The New York legislature, shortly before its adjournment on March 26, adopted a truncated court reorganization bill that falls far short of proposals of the Judicial Conference and the League of Women Voters (see the REVIEW, February, page 82). The Republican majority permitted substantial reorganization and simplification of the courts in the five counties of New York City—together with the inclusion of Queens County in a three-county district where Republican Nassau and Suffolk Counties would normally swamp the Democrats in electing Supreme Court justices. Upstate, however, the justices of the peace and the village police courts were not disturbed. Thus there is not a modernized state system under unified administration.

The adopted bill, in the form of a proposed constitutional amendment which must be passed again and then submitted to the people, specifies the following steps as to courts in New York City:

1. Consolidate existing county courts in Bronx, Kings, Queens and Richmond Counties—all in New York City—and the Court of General Sessions in Manhattan into the Supreme Court.

2. Combine all other lower courts, except Surrogate's Court, into a city-wide Civil Court with jurisdiction over claims up to \$10,000 and a city-wide Criminal Court with power to act on crimes not prosecuted by indictment and on misdemeanors.

3. Combine the city Domestic Relations Courts and upstate Children's Courts into a single, statewide Family Court.

## Council-Manager Plan Developments

CAMDEN, ARKANSAS, (1955 population 16,622) adopted the council-manager plan on April 14, 2,568 to 1,109.

Two cities in Oklahoma adopted council-manager charters on April 7: THE VILLAGE (approximately 14,000), by a vote of 3,412 to 513; NICHOLS HILLS (4,500), 2,321 to 173.

GLASTONBURY, CONNECTICUT (1950 population 8,818) adopted a council-manager charter on April 20 by a vote of 1,261 to 551.

By a vote of 919 to 343, FLAT RIVER, MISSOURI, (5,308) adopted the council-manager plan, to go into effect within 60 days.

CANTON, NORTH CAROLINA, (4,906) adopted the council-manager plan on March 24, 1959, by a vote of 374 to 256. The plan took effect immediately.

The council of the town of GRUNDY, VIRGINIA, has unanimously voted to employ a manager. Grundy, located in a coal-mining area, has a present population of about 2,500.

On April 7 voters of VANDALIA, OHIO, adopted a council-manager charter, 632 to 385. The plan goes into effect immediately.

The International City Managers' Association gives the following recent additions to its list of council-manager municipalities, not previously noted here: BELLFLOWER, CALIFORNIA, (estimated population 5,000); ELLENVILLE, NEW YORK, (1957 population, 5,027); GOODLETTSVILLE, TENNESSEE, (estimated, 2,000); RIVERVIEW, MICHIGAN, (6,700); and St. CATHERINES, ONTARIO, CANADA, (estimated, 60,000).

\* \* \*

In New Hampshire, at town elections on March 10, the town manager plan was retained in three instances where it was challenged: CONWAY, 715 to 213; EXE-

TER, 1,082 to 701; and MEREDITH, 565 to 271. ASHLAND and NORTHUMBERLAND have also recently voted to retain the plan. In LITTLETON a proposal to adopt the plan was defeated 554 to 481.

BARRE, VERMONT, voted 1,372 to 680 on March 3 to retain the council-manager plan.

NEWPORT, VERMONT, rejected a proposal to adopt the council-manager plan, by a vote of 353 to 344, at the annual city election on March 3.

In MIDDLEBORO, MASSACHUSETTS, where the opposition of three selectmen resulted in the dismissal of Town Manager E. O. Wilson last December, the only one who was up for re-election in January was soundly defeated, and Mr. Wilson was rehired. On February 24 another of the three was ousted by recall vote—the first in the town's history—and on February 25 the third resigned.

WILMINGTON, MASSACHUSETTS, voted two to one on March 7 to retain its town manager form of government.

Attempts are being made in LOWELL, MASSACHUSETTS, by petition to substitute a strong mayor plan for the existing council-manager Plan E, in effect since 1943.

CAYCE, SOUTH CAROLINA, (1955 population 5,391) at an election on March 24 voted 322 to 182 to adopt the council-manager plan, effective April 24. It was favored by a majority of the city council. This action now goes to the state legislature for approval.

The eighteen-member charter commission of ARCADIA, FLORIDA, is in process of drafting a council-manager charter.

The council-manager plan was endorsed by the voters of BATTLE CREEK, MICHIGAN, 4,888 to 2,074 in an advisory vote held April 6.

Two cities in Illinois voted April 7 to retain their council-manager governments—PEORIA by a vote of 13,961 to 9,285, and EVANSTON, 14,193 to 5,686.

A proposed charter for COON RAPIDS,



MINNESOTA, continues the council-manager plan under which the village is currently operating but the four trustees would be elected from each of four wards with boundaries drawn upon the basis of population. The mayor would be elected for a term of two years and the four trustees for staggered terms of three years; all five constitute the council.

A draft of a new charter for MARSHALL, MINNESOTA, includes a council-manager form of government which would replace the mayor-council plan provided by the general incorporation act under which the city now operates. The only elective offices would be the municipal judges and a council composed of the mayor, elected for a two-year term, and six aldermen elected for staggered four-year terms—three at large and three by wards. The council would appoint the city attorney; otherwise, all subordinate officers and employees are appointed by the manager, with council approval in the case of the city clerk. The charter provides for initiative, referendum and recall.

RICHMOND, MISSOURI, defeated a proposed council-manager plan 972 to 606 on March 6.

In Kansas a proposed bill (see the REVIEW, April 1959, page 197) which would have permitted the three largest cities—WICHITA, KANSAS CITY and TOPEKA—to adopt a hybrid type of mayor-council-manager government, was defeated by a vote of 61 to 58 in the House of Representatives. The mayor would have had a four-year term, a \$12,000 salary and the veto power.

The Idaho legislature having amended the charter of LEWISTON to permit establishment of council-manager government, the council is taking steps leading to an election on the question.

Petitions presented in ALBANY, OREGON, for a vote on replacing the council-manager plan, in effect for eleven years,

by the mayor-council plan, have been returned by the city council as inadequate in form.

At a meeting of the city council of BARSTOW, CALIFORNIA, early in March all members declared themselves in favor of the manager plan if the right man can be secured. Advice was being sought from the League of California Cities.

### ***Lincoln, Nebraska, Adopts Many Charter Changes***

After long efforts by a fifteen-member Charter Revision Committee appointed in 1956, the city council of Lincoln, capital of Nebraska, agreed to submit 33 proposed charter amendments to popular vote at a special election on March 3. In a light vote—9,316 of the city's 53,000 registered voters—all but one of the amendments were adopted.

The controversial proposal defeated would have strengthened the power of the mayor, established eight department heads in the executive branch, and given him an executive assistant. The city council modified this amendment as originally proposed, to require council approval of appointments of department heads and to restrict the power of the executive assistant. This compromise drew criticism from various sources, particularly the League of Women Voters, which rejected it entirely as too weak.

Some of the prospective results of the amendments approved are as follows: New procedures for budget formulation by the mayor and for accounting control; charter status for the city's merit system of employment and establishment of a five-member personnel board; authority for the city to establish a pension and retirement system for its officers and employees; charter status for the city planning commission, creation of a board of zoning appeals, and regulation of zoning and land subdivision, both inside and outside the city limits; authority for the



city to join with other political subdivisions for joint ownership, operation or performance of any property, facility or function; provision for centralized purchasing; all records and accounts to be open for inspection and meetings of all boards and agencies to be open; initiative and referendum petition procedures provided, with 5 per cent of registered voters for initiative and 6 per cent for referendum.

### ***Rights of Police Organizations Defined***

The National Civil Service League, dealing as it does with the national government, has not attempted to define and adopt any conclusions regarding the suitable limitations on unionization of public employees, but its New York State associate, the Civil Service Reform Association, served by the same staff and office, encountered the problem when James Hoffa of the Teamsters Union announced a disposition to annex the policemen of New York City. The attempt was rather quickly abandoned but meanwhile the association was led to define the rights of the police as related to such attempts to unionize as follows:

"The association believes that police, like other citizens, including public employees, should have the right to form their own associations for mutual aid and welfare and to foster their economic advancement; but such associations cannot incur loyalties that transcend the obligation of the police to protect the health, welfare and safety of all law-abiding citizens alike. On the other hand, police commissioners have an obligation to provide competent and understanding leadership regardless of whether the policemen are organized.

"The police, individually and collec-

tively, are vested by law with power beyond that of most other public employees. They represent the authority of the state and are under discipline which necessarily is semi-military. It is essential, therefore, that they maintain absolute impartiality in enforcing the law and in keeping the peace in strikes, labor disputes, riots and other civil disturbances.

"Membership in a labor union which might engage in a strike or jurisdictional labor dispute would inevitably weaken the impartial character of the police force, lay it open to suspicion of partisanship, and undermine public confidence in it. To permit its members to belong to a militant organization which engages in partisan political campaigns would nullify any present provisions of law which prohibit police officers from participating in political activities.

"In summary, the association believes that police should be free to have their own associations, provided that: (1) The principal purpose of organization is to provide group representation on problems of management-employee relations; (2) they recognize as their prime obligation the protection of the health, welfare and safety of all law-abiding citizens; (3) they do not strike or claim the right to strike, and are not affiliated with organizations that do; (4) they do not engage in political campaigns."

R.S.C.

### ***Mayors to Meet In Los Angeles***

The United States Conference of Mayors will hold its 1959 annual conference at the Statler Hilton Hotel in Los Angeles, California, July 13, 14 and 15. A social event is planned for the evening of Sunday, July 12. A full and interesting program for the following three days is in process of preparation.

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Metropolitan Government . . . William N. Cassella, Jr., Editor

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## New Metro Body Set Up in Montreal

### Area-wide Corporation Given Limited Powers

MONTREAL has moved toward metropolitan government with the creation by the 1959 provincial legislature of the Montreal Metropolitan Corporation, an agency with limited powers.

Back in 1921, Montreal had the early beginnings of area-wide government of sorts when the Quebec legislature established the Montreal Metropolitan Commission.

Prior to 1920, Montreal's territorial expansion had been brought about by a series of annexations of surrounding territory. In most instances, these annexations involved the taking over of municipal services and facilities which were below the standard prevailing in Montreal. The cost of providing services comparable to those of Montreal imposed a heavy financial burden on Montreal taxpayers. As a result, there was opposition in the city to the annexation idea.

Meanwhile, four of the then suburban municipalities found themselves in financial difficulties and went to the legislature seeking annexation to Montreal. The city opposed the move and, in effect, said, "We will annex them only if you will allow us to annex the whole metropolitan territory, the wealthy communities as well as the poor." This, in turn, brought objections from those municipalities which were not in financial difficulties. Some sort of a compromise, therefore, had to be worked out.

Thus it was that the 1921 Montreal Commission was created. It came into

being primarily to administer the financial affairs of the defaulting municipalities and generally to scrutinize the financial operations of the fourteen suburban municipalities which had not been annexed to the city, but which comprised the contiguous metropolitan territory. While Montreal's city council had predominant representation on the commission, the commission had no authority over the city's affairs. Its prime responsibility was to make sure that the financial operations of the defaulting municipalities were put in good order and that the finances of all suburban municipalities henceforth were kept in order. It proved an effective instrument for the task it was set up to do.

By the mid-'30s, it was generally recognized: (a) That either the scope of authority and the administrative functions of the Metropolitan Commission must be enlarged or (b) that a new metropolitan governing body must be created. World War II intervened and it was not until 1953 that Montreal obtained authority to set up a "Commission for the Study of the Metropolitan Problems of Montreal."

The 1953 commission met for the better part of two years under the chairmanship of Judge Roland Paquette. Its report was submitted to Montreal and the fourteen suburban municipalities comprising the Metropolitan Commission in 1955.<sup>1</sup> In general, the Paquette report recommended establishment of a metropolitan form of government similar to that of Metropolitan Toronto but with limited initial administrative authority. No action was taken by the city towards implementing the report's recommendations until 1958, when it set up a com-

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<sup>1</sup> See the NATIONAL MUNICIPAL REVIEW, April 1955, page 198.

mittee to study the Paquette report and make any further recommendations on a form of metropolitan government for Greater Montreal. The committee met under the chairmanship of Councillor Lucien Croteau.

While the Paquette report had been two years in the making, and while it provided a reasoned and basic outline for metropolitan government, its recommendations were general in nature and were put forward mainly as a basis for the consideration of the municipalities concerned. The Croteau report accepted the broad recommendations of the Paquette commission findings, but spelled them out in greater detail and considerably extended (a) the territory to be embraced within a proposed metropolitan government and (b) the administrative scope and powers of the proposed new authority.<sup>2</sup>

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The wide scope of the territorial and administrative powers recommended by the Croteau report met quick and vigorous opposition from suburban municipalities and when the draft bill reached the Quebec legislature suburban municipalities were out in force to oppose it. By the time the bill got through the legislature, it bore faint resemblance to the initial draft.

As finally passed, the new "Montreal Metropolitan Corporation" has been accorded severely restricted and limited powers.<sup>3</sup> Allowance, however, has been made for expansion of its authority through mutual agreements to be made between the fifteen municipalities to be

within its jurisdiction. To start with, it will be a limited and skeleton form of metropolitan government. Any future enlargement of the scope of its territorial and administrative responsibility will depend upon the common consent of the municipalities concerned.

The new corporation will take over the existing powers of the Metropolitan Commission, which is to be abolished. Among these powers is authority to complete a new Trans-Island Boulevard now in course of construction.

A general clause in the charter of the new corporation provides for establishment—by mutual agreement among the municipalities affected—of such municipal services as may be deemed desirable on conditions and terms as may be decided upon.

Another power accorded the new authority is that of establishing a master plan of roads and highways which are considered to be of a metropolitan nature.

The corporation is also empowered—subject to agreement by the constituent municipalities—to make grants for the construction and maintenance of hospitals, homes for the aged, convalescent homes and similar institutions.

One of the few concrete powers given the corporation is the responsibility for civil defense within the regional and metropolitan territory.

In order to establish a common basis for a uniform assessment roll throughout the metropolitan territory, the charter provides that the city of Montreal and each of the suburban municipalities will continue to prepare their own evaluation roll but hereafter the suburban municipalities will conform to the principles governing the preparation of the Montreal assessment roll and the same yardstick will be used.

Deleted from the draft bill were all proposals involving establishment of major metropolitan municipal services, such

<sup>2</sup> *A Metropolitan Organism for Greater Montreal*, Committee of Recommendations for the Creation of a Metropolitan Body, Montreal, December 1958.

<sup>3</sup> Legislative Assembly of Quebec (Bill No. 100): An act to amend the charter of the city of Montreal and respecting the Montreal Metropolitan Corporation (1959).

as fire, police, health, water, sewers and city planning. Also deleted were proposals that taxi permits be put on a metropolitan basis under the jurisdiction of the new corporation and that there be established uniform store closing hours throughout the metropolitan territory.

Hon. Maurice Duplessis, premier of Quebec, in summarizing the intent of the powers accorded the Montreal Metropolitan Corporation, stated: "We are giving the municipalities the power to get along with each other. They didn't have it until now." Mayor Reginald Dawson, of Mount Royal, who headed a committee of mayors of the fourteen suburbs covered by the plan, expressed satisfaction with the prospects of the new instrumentality. He said, "We marched to the altar with some hesitation and we still don't know if we're the bride or the groom. . . . but I am now sure we will have a happy honeymoon."

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Underlying the entire conception of the newly created corporation is the proposition that the suburban municipalities are to maintain their complete autonomy.

As of the present, the principal role and function of the new body will be to negotiate with Montreal and the fourteen municipalities on such matters as they are prepared to negotiate, with a view to establishing common standards as to such municipal services as the municipalities may agree should conform to a common standard; and to establish such common intermunicipal services as the municipalities may deem desirable on such conditions and terms as they may decide upon.

Because it is without authority of and by itself to undertake any responsibility other than the severely limited ones accorded it by the provincial legislature, it is apparent that the success of the new metropolitan body will depend on

the confidence it is able to establish among the municipalities represented on it. Much, therefore, will depend on the choice of the fourteen representatives of Montreal and the fourteen of the suburban municipalities, who are to constitute the new body. And much will depend on the leadership given the new body by the provincially appointed chairman. In many respects, he will be the key to the situation.

Given a strong chairman and a strong supporting group of representatives, the new corporation must then win the support of public opinion. The voters who elect municipal councils and the municipal councils who appoint their representatives to the new metropolitan corporation will need a lot of persuading about the kind of projects and services which should be undertaken on a metropolitan basis.

The Montreal Metropolitan Corporation is hardly more than a legally created agency for the discussion of metropolitan problems and services with power to negotiate intermunicipal agreements between the municipalities constituting the defined metropolitan territory. Potentially, it is much more than its present limited functions and administrative powers allow.

It is a beginning, a small beginning, but none the less a beginning in establishing a rational pattern of government in the metropolitan area. The pattern will not develop quickly and it may not develop along the lines suggested by the Paquette commission and those recommended by the Croteau report. But, in a matter of such importance, it is perhaps best to move slowly but surely. Perhaps, in the long run, metropolitan government in Montreal will get farther faster that way.

GEORGE S. MOONEY  
*Executive Director*

Canadian Federation of Mayors  
and Municipalities

### **California Gets Metro Study Commission**

California Governor Edmund G. Brown has named a nineteen-member special commission on metropolitan growth. Headed by Ben C. Duniway of San Francisco, chairman, and J. Edward Day of Los Angeles, vice chairman, the commission has been directed to make an all-out attack "on the massive problems engendered by the explosive growth of the state." The commission was urged by the governor to "think creatively and not be bound by stereotypes in local government organization or activities."

The group was asked "to give serious study to the newest concepts in local government—metropolitan government." The governor said that an examination should be made of "the almost indiscriminate creation of cities and wholesale annexation programs and the need for reorganization of county government. . . . We do not rule out the possibility that we may even leave behind our present concept of counties, cities and districts."

A five-point initial program was suggested:

"(1) Transportation, freeways, rails and streets—How can we move millions of men to and from work?

"(2) Housing, redevelopment, land use planning—How can we keep the central areas of our cities from becoming slums wherein delinquency and crime breed and where people live in squalor?

"(3) Maximum economy in handling the tax dollar—Do we have too many overlapping jurisdictions?

"(4) Prevention of air pollution and water contamination—What new measures are necessary to prevent poisoning of air in our metropolitan areas?

"(5) Larger governmental structures or districts—What are the values and limitations of 'supergovernmental agencies'?"

The membership of the commission includes representatives of business, labor, finance, the professions, public officials, and educational, research and civic groups.

### **Metro Plan Loses In Knoxville**

The proposed metropolitan government charter for Knoxville and Knox County, Tennessee,<sup>1</sup> submitted to the voters on April 9, was soundly defeated at the polls. The vote within the city was 12,651 to 3,402 against; that outside the city, 21,902 to 3,514.

### **Metropolitan Proposal Made for Cleveland Area**

The recommendations of the government organization study group of the Cleveland Metropolitan Services Commission (METRO) followed closely the preliminary statement issued by the group late last year. Contained in a report submitted in March,<sup>2</sup> these recommendations developed specific proposals regarding the structure of metropolitan government. In a restatement of objectives, it was noted specifically that "any . . . metropolitan government must provide for preserving the vital role of local governments in performing local functions."

The proposed metropolitan government would be "a reorganized and revitalized county government." Under it legislative powers would be vested in a metropolitan council composed of 20 to 25 members. About three-fourths of the members would be elected by single-member districts and the others at large. The problem of redistricting was discussed and

<sup>1</sup> See the NATIONAL MUNICIPAL REVIEW, December 1958, page 572.

<sup>2</sup> *Government Organization for Metropolitan Cleveland*. Cleveland Metropolitan Services Commission, 1959. 23 pp.

the possibility of an automatic redistricting plan raised. Four-year terms for councilmen were proposed with provision for staggered terms so that approximately half will be elected every two years.

An elected chief executive is called for. He would be elected for a four-year term with no formal restrictions placed upon his reelection. The executive would appoint all major department heads and members of boards and commissions with the advice and consent of the council. His removal power would be limited by the requirement of legislative consent only in the case of independent boards and commissions. The post of chief administrative officer appointed by the executive without requiring the consent of council is advocated. The administrative officer "would be responsible for bringing advanced management techniques to bear upon governmental problems. Such an official would relieve the executive of many day-to-day administrative responsibilities and permit him to concentrate upon initiating policies and programs and developing his political relationships with the metropolitan council and the public at large. Divisions of budgeting, personnel and planning would be under the chief administrative officer.

Under the proposed plan the prosecuting attorney would be the only elected official of the metropolitan government besides the executive and council. Provision is made for a board of assessment revision, a civil service appeals board and various citizen advisory boards. In view of the fact that the government structure was the specific concern of this study group, it made no recommendation concerning the assignment of specific services to the metropolitan government. It stated the general principle "that each major function assigned to the metropolitan government should be administered by a separate operating department responsible to the chief executive." Oth-

er METRO study groups have considered specific functions. A final report of the Metropolitan Study Commission will combine the functional and organizational recommendations.

The Cuyahoga County Charter Commission, created in the fall of 1958, has made extensive use of the various METRO reports. The commission recently circulated a tentative draft of a county charter which is now being studied by various groups in the area and being considered at public hearings.

### **Sacramento Group Supports Annexation**

The Sacramento Metropolitan Government Committee has approved recommendations for the annexation of suburban areas to the city of Sacramento which would bring its population to approximately 400,000. This proposal will be the basis of the committee's final report to be submitted before June 30. Annexation is proposed as the first phase of a gradual county-wide government reorganization.

The four small municipalities in Sacramento County—North Sacramento, Folsom, Isleton and Galt—would be excluded from the reorganization but would be free to merge with the central city in the future. During the period of gradual extension of the city's boundaries, which may extend over the next several years, the committee advocates the conduct of studies of various functional consolidation possibilities involving the provision of regional services by the county and city governments. Among the functions mentioned for possible consolidation are tax assessments and collection, sewers, recreation, roads and streets, storm drainage and water supply.

It has been stated that "the over-all objective of the concurrent annexation and consolidation program is to promote



governmental efficiency and economy by reducing the number of special districts." The committee also strongly recommends that no additional cities be incorporated in the urban portions of Sacramento County. In addition, it has been indicated that if the city is substantially enlarged serious attention should be given to the possibility of revising the city charter.

### ***Twin-Cities Planning Body Issues Initial Reports***

The Twin Cities Metropolitan Planning Commission in the Minneapolis-St. Paul area has issued its first two publications. In December 1958 it released the first in a series of reports on the future development of the area. This report, *The Challenge of Metropolitan Growth*, gives a preview of some of the basic research being undertaken by the commission.

The four objects of the initial report were: (1) To convey some of the basic facts about the social, physical, economic and governmental characteristics of the area which affect future planning and development; (2) to identify and analyze some of the growth problems confronting the area; (3) to demonstrate the essential unity and interdependence of the area; and (4) to present an outline program for meeting the "challenge of metropolitan growth."

The commission has also published its first *Local Planning Bulletin*. This publication is designed to be of assistance to local officials in meeting planning and development problems. The first bulletin is on development districts. Subsequent numbers will be on the elements

and application of a planning program and establishment of subdivision regulations.

Created by the 1957 Minnesota legislature, the commission is "to provide advisory metropolitan planning service for the area" consisting of Anoka, Carver, Dakota, Hennepin, Ramsey and Washington Counties. Carver County was added to the area covered by the commission in 1958.

### **LEASE-PURCHASE FAILS**

(Continued from page 245)

because it permits them, in effect, to evade the debt limits. Direct construction of a building generally would necessitate borrowing, whereas annual lease-purchase payments could be financed out of current income. Furthermore, popular approval often is required before a municipality can borrow for long term purposes. Such a referendum is not needed if the lease-purchase method of financing is used in lieu of borrowing.

Will the federal lease-purchase program be revived? Such a program functions best during a period of low interest rates. Monetary authorities fight recessions by lowering the interest rate. Consequently, the pressures to revive the lease-purchase program may become great during a recession and the program may be advocated as a measure to stimulate the economy by permitting construction of federal building without deficit financing.

## New Jersey Has Financial Woes

### Solution to Problems Sought by Legislature

THE state of finances in New Jersey is becoming darker as that state faces up to some of its problems and runs away from others. The local assessment problem, prospective future tax increases, financing commuter facilities and taxation of its residents by New York State are some of the problems seeking solution in the present legislative session.

One problem is to find a method of circumventing the State Supreme Court ruling on the 100 per cent assessment law.<sup>1</sup> The court ruling was made in March 1957 and ordered all 567 municipalities in the state to comply by this year with the act that requires assessment of property at 100 per cent of market value. Bills to reduce the percentage to 50 per cent and otherwise amend the existing law are awaiting action. So far, only five communities have complied with the ruling. Assessors in the remaining municipalities face suits by taxpayers after May 1, when annual tax bills are distributed. There is reported to be no pending legislation that would protect assessors from such suits, since the measures designed to circumvent the court decision would not become effective until January 1, 1960.

Also, the stage is apparently being set for future tax increases, a move that usually precipitates trouble when the executive is from one party and the legislature predominantly another, as in New Jersey. The governor submitted to

the legislature a record \$403.3 million budget for the fiscal year beginning July 1. Appropriation bills to cover this spending are under consideration by the legislature's Joint Appropriations Committee. This group is also reported to be considering increasing the budget by \$1.3 million to expand the state library and college scholarship program. Such a measure could lead to a reduction in the state's surplus to less than \$5 million by June 30, 1960, the lowest balance in 25 years. This in turn is expected to make almost inevitable the levying of new taxes in order to balance the next budget.

An increasingly acute problem for New Jersey is how to get along with New York, particularly in matters involving finances. The two states will have to cooperate to solve joint problems involving commuter facilities. This cooperation is becoming less and less likely as New Jersey seeks retaliation for New York's inaction in giving New Jersey residents working in New York equal treatment with New Yorkers under the latter's non-resident income tax.<sup>2</sup>

New York State recently took the initiative in the problem of financing improved commuter facilities when its legislature passed a two-pronged measure requiring New Jersey approval. New York would lend \$20 million state funds to the Port of New York Authority, a bi-state agency, to allow it to finance purchase of 400 new air-conditioned coaches to be leased to the New York Central, New Haven, and Long Island Railroads, all New York facilities. This devious approach to state aid for the railroads was thought necessary because the New York constitution forbids lend-

<sup>1</sup> See NATIONAL MUNICIPAL REVIEW, April 1957, page 208.

<sup>2</sup> See NATIONAL MUNICIPAL REVIEW, February 1958, page 84; March 1958, page 135; May 1958, page 245.

ing state moneys or credit for the aid of private enterprise. No Port of New York Authority funds would be required, so that agency has assented to the measure. However, approval of New Jersey is required to alter the agency's charter.

The New York legislature also authorized a measure that has been widely advocated in New Jersey. It authorized a new bi-state agency to develop a program for meeting commuter problems of common interest to both states but only on the condition that New Jersey consents to changes in the Port Authority charter authorizing it to buy commuter cars for lease to the railroads. Considerable dissatisfaction has been expressed in New Jersey with the New York proposal. The speaker of the New Jersey Assembly said that the expenditure by New York of such funds would establish a "dangerous" precedent and might place New Jersey in the position of similarly having to guarantee expenditures by the Port of New York Authority. Some sources also said that the measure would be of no benefit to New Jersey but would aid Long Island and Westchester County (New York) and Connecticut.

New Jersey also stands firmly against New York State because it did not take action to grant some relief to its citizens who work in New York and pay that state's income tax. The governor recently refused to help New York collect its income tax from New Yorkers who work in New Jersey unless New York grants certain concessions.<sup>2</sup>

Also, in a letter to the New Jersey Commission on Out-of-State Taxation of New Jersey Residents, Senator Case of New Jersey proposed that New Jersey tax New Yorkers who work in New Jersey. He said, "So long as New York requires New Jerseyans who work there to pay for the services rendered them

by New York, surely it is fair that the 50,000 New York residents who earn their living in New Jersey pay for the services which they receive from New Jersey."

He felt that such action might force New York to make the concessions New Jersey would like and that it would not be arbitrary or capricious for New Jersey to impose an income tax solely on New York residents working there. Senator Case and Senator Dodd of Connecticut are sponsors of a bill proposing a federal constitutional amendment prohibiting a state from taxing non-residents.

## State Finances Up in 1958

All state financial activities increased in 1958, reflecting continued growth in services. Particularly notable were increases in construction activity, influenced in considerable part by the federal highway program. These and other trends were highlighted in a recent report on state government finances by the Bureau of the Census.<sup>1</sup>

Total expenditures by all states amounted to \$28.1 billion, including \$3.7 billion as benefits by unemployment compensation, employee retirement and other state insurance trust systems. It also includes \$869 million spent by liquor stores operated by sixteen states. The remaining total of general expenditures amounted to \$23.6 billion, up 11.7 per cent from the previous year. Nearly all categories of state expenditure increased. Per capita amounts spent for major governmental functions included \$43.22 for education, \$39.38 for highways, \$17.40 for public welfare, \$12.80 for health and hospitals and \$26.20 for all other purposes. Per capita total general expendi-

<sup>2</sup> See NATIONAL CIVIC REVIEW, April 1959, page 207.

<sup>1</sup> Summary of State Government Finances in 1958, Bureau of the Census, Washington 25, D. C. 22 pages, 25 cents.

tures were \$139.00. About 3/10ths of total state expenditures went to local governments. Capital outlay, mainly for contract construction of highways and buildings, was up 14.9 per cent for the year, while wages and salaries of state employees were up 15.8 per cent.

State revenues were also up for the year, but not as much as expenditures. Total revenue in 1958 was \$26.2 billion, with general revenue up 6.8 per cent to \$21.8 billion. Of this amount, state taxes provided about 7/10ths; 22 per cent was in the form of intergovernmental revenue, mainly federal aid. State tax revenue amounted to \$14.9 billion in 1958, up only 2.7 per cent from the 1957 figure.

State debt also rose during the year. In 1958 it reached a new high of \$15.4 billion, resulting from total borrowing by the states of \$2.3 billion and bond redemption of \$619 million.

From 1957 to 1958, general revenue was up in 44 of the 48 states, general expenditures increased in 45 states, and the volume of debt outstanding was up in 44 states.

### ***New York, Other Cities Have Financial Problems***

New York City made no progress in attaining a long-run solution to its financial problems in the recent legislative session, if indeed it is even interested in a long-run solution;<sup>1</sup> according to the Citizens Budget Commission of New York, a number of other cities face similar problems.

The legislature took a number of steps regarding city finances, but they are not highly regarded by the city itself. First, the city made its proposals to the legislature but in the aggregate they gave the impression of not having been researched but rather thought up dreamily on a park bench on a warm afternoon.

<sup>1</sup> See the REVIEW, February 1959, page 95.

These proposals included the off-track betting measure, which city officials thought would bring in as much as \$100 million annually or slightly better than \$12 per capita. Actually the only state to levy such a tax, Nevada, realized less than 10 cents per capita on its tax last year.

Having rejected the city's hastily devised set of proposals, the legislature got down to business; following conferences between upstate leaders, it handed down its version of what would be good for the city. It authorized the city to impose taxes on taxicab rides at 10 cents a ride, cigars and tobacco, real estate transfers and vending machines. It authorized increases in the rates on cigarettes, gross receipts of public utilities, restaurant meals and in the business and financial gross receipts tax. With no new state aid in the picture for New York the mayor accused Albany of "plucking" the city taxpayer for its own purposes, complained about being short-changed by the state and said the city would adopt an austerity budget.

The legislature voted to establish a commission to study the structure and operation of the city government; some observers felt the legislature could use a better understanding of how the city operates.

The Citizens Budget Commission study was based on answers to questionnaires sent to mayors and city managers of seventeen cities. Those covered were Rochester, Baltimore, Seattle, Kansas City (Missouri), Chicago, Fort Worth, Cincinnati, Denver, Boston, Indianapolis, Norfolk, Worcester, New Orleans, St. Louis, Columbus (Ohio), Long Beach (California) and Milwaukee.

The study noted, "These cities seem to have certain problems in common: the pressures for higher cost bedevil them, the demand for more services presses everyone, revenue potential is circumscribed, a city-state fiscal prob-

lem harasses almost all of them." Most of the officials queried attributed their fiscal difficulties to federal and state appropriation or control of revenue sources. Also, most of the cities which are cores of metropolitan areas are being squeezed by growing populations including commuters and too few sources of revenue. Principal causes of municipal troubles in raising revenue are state limitations and preemption by the state and federal governments of prime revenue sources. The commission's study found officials in the cities surveyed complaining that legislatures were dominated by members from rural areas.

### **Inaction Grips Michigan**

Michigan, in the words of its governor, faces disaster but has been unable to find a solution to its financial problems, even a temporary one. It is estimated that by July 1 the state's current deficit will amount to \$110 million and a cash shortage is in prospect for late April or May. The state is \$15 million behind in payments to its colleges, \$27 million behind in payments to public schools and \$7 million behind in old age and children's aid programs. The recent \$30 million advance tax payment by the big auto companies has been used. And certain expedients, such as using earmarked funds for cash requirements, are rapidly disappearing.

A number of factors are blamed for Michigan's predicament. One that certainly must be placed high on any list is the bitter feud which has raged between the governor, of one political party, and the legislature, predominantly of another in recent years. In Michigan as in other states, New York from 1954 to 1958 for example, this cleavage produces a situation in which men elected to solve problems become more attentive to the prospect of embarrassing the opposition.

Other factors leading to the difficulty have been Michigan's rapid growth and demand for increased services, particularly education, the recession which cut sharply into revenues last year, and certain fiscal policies followed by the state. In 1946 the state amended its constitution to turn over 5/6ths of state sales tax revenue to schools, cities and townships, thereby depriving the state of valuable income.

Many bills are proposed in Michigan these days to solve the problem but few are passed. The governor's recommended budget for next year had not even been introduced after two months of legislative meetings. A plan to increase the state's debt limit was rejected. A plan for mortgaging the state's veterans trust fund to obtain cash for the colleges was defeated. A plan to increase the sales tax to provide for a proposed bond issue was turned down. While the debate continues to rage, the financial situation continues to worsen.

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**Citizen Action**. . . . . *Elsie S. Parker, Editor*

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## Retailers Urged To Get into Politics

### Should Help Build Kind Of Community They Want

EDITOR'S NOTE.—The article below is the address (slightly abbreviated) of FRED LAZARUS, JR., chairman of Federated Department Stores, Inc., Cincinnati, before the annual dinner of the National Retail Merchants Association, January 15, 1959, when Mr. Lazarus was presented with an award for his services to retailing.

**A** CHALLENGE that confronts retailers today is the necessity for becoming active in the politics of our communities—and I mean politics in the down-to-earth sense of party politics.

The first requirement of any good citizen is that he be solvent and self-supporting. Therefore, my remarks assume that all of you earn a good profit from your stores and can conceive of retailing as something more than a game of hide-and-seek with the sheriff.

A part of that "something more" is taking an active part in a political party in your community. Be active in a party yourself. Urge the people in your store to do so too. Whether you and they are Republicans or Democrats doesn't matter. What does matter is that, through one party or another, we make our voices heard effectively on the political decisions that are reshaping the cities in which we live and do business. Those political decisions are changing how our customers move about and, therefore, where they shop. Political decisions influence the kinds of neighborhoods in which our customers live and, therefore, what their living standards may be. The recreation facilities that our customers have, and therefore their leisure-time, need sometimes depend on

political decisions. So, too, do basic community needs like law enforcement and education. I do not urge political activity for solely selfish ends but in the enlightened self-interest of fostering the kind of healthy community that will be good for all its citizens and, therefore, for us as retailers.

Since so many community affairs become entangled in state and even federal policies, political activity in your city will lead inevitably to activity in state and national affairs, too. So much the better. But the natural environment of a retailer is the city in which his store is an institution, and that is where I suggest we and our associates get into party work.

When I was starting in business, advice like this would have been considered dangerous and perhaps some of you think it is today. A few decades ago a merchant was supposed to be a political cipher. He had Democratic and Republican customers. Therefore, he took an oath of political abstinence lest he offend either group. However, I suspect that people come to our stores not to buy our political opinions but because of the merchandise assortments and services they find there. In any event, I am not suggesting that a store adopt a party line. On the contrary, I do urge that individuals in a store become active in whichever party they choose. My own family embraces active Republicans and lively Democrats and a store family can, too.

What is important in this dynamic and fluid period is that we help actively to build the kind of communities in which we want to live and do business. We work at being good merchants. We always have tried to be good citizens in civic ways. Now, I suggest, we should become effective political citizens.

Last year I took some of my own med-



icine and became chairman of a party finance committee in my home community. The result of my venture into political money raising was not too good; but it was a start, and I was glad to have the experience, even though the results of my party at the polls in November did not seem to be enhanced by my efforts.

## Cleveland Citizens League Creed

EDITOR'S NOTE. — The "Citizens League Creed" below was published in *Greater Cleveland*, bulletin of the Citizens League of Greater Cleveland, March 1959.

We believe in popular government—government of and by and for the people—in a representative democracy disciplined by education and a sense of responsibility.

We believe that democracy can function effectively only when her citizens are interested, when they know all of the facts about their government and are willing to accept and be guided by the facts collected and presented from a reliable source.

We believe that one of the things essential to the effective functioning of democracy in a community is an organization which will develop, focus and express right public opinion about government, and will keep itself free from any selfish or ulterior motives.

We believe the functions of the Citizens League are and should be to ascertain the facts and inform the citizens about their government and to point the way to righting the wrongs in government and administration.

We believe that good government depends as much upon good men in public office as it does upon good laws or good forms of government, and that the voters need and want unbiased information about candidates for public office.

We believe that most public officials want to give good service and that they want and need both cooperation and honest criticism, and that the league can render an essential service in supplying such cooperation and criticism.

We believe that government has become so complicated that the average citizen, busy with his own affairs, cannot personally give the problems of his government sufficient attention to satisfy his own mind, and that he must depend upon the civic organization which he can trust to do the fact-finding work and to supply him with accurate and unbiased information about local public affairs.

We believe, above all, that the ultimate success of democracy depends upon an informed and intelligent electorate, imbued with a sense of its citizenship responsibility, and willing to give a part of its time to the tasks of making the community a better place in which to live and work.

## Citizens Association Loses after 19 Years

After a reign of nineteen years, the Non-Partisan Citizens Association of Kansas City, Missouri, lost the councilmanic election of March 31 to a Democratic coalition led by Alex Presta, whose faction inherited a small part of the notorious machine once headed by the late Tom Pendergast. The Citizens Association, a loose organization of Republicans, Democrats and independents, ousted the machine in 1940.

Writing in the *St. Louis Post-Dispatch* of April 5, Cornelius L. Kelliher, staff correspondent, commented:

"A protest vote against higher taxes won an upset victory for Democratic factions. . . . The Democrats won undisputed control of Kansas City government. . . .

"Two of the leaders of the winning

factions are Alex Presta, president of the North Side Democratic Club, who was convicted of three felonies between 1929 and 1940, and Henry McKissick, second ward leader and political associate of the murdered Charles Binaggio. Both have survived years in which some of their acquaintances, like Binaggio, died rather abruptly.

"Post-election speculation centered on whether return of the political factions to city hall will revive the spoils system and transform Kansas City into the wide-open, gangster-infested town it had been in the Pendergast era."

Five of the nine councilmen elected had the sole support of the Democratic machine; the mayor—a member of the council—and the other three successful candidates were supported by both the Citizens Association and the Democrats.

Kansas City has had the council-manager plan since 1926 and, since 1940, when the Pendergast machine was ousted, has been noted for the excellence of its city government under the management of L. P. Cookingham.

## Boys and Girls Learn Practical Politics

The annual New Jersey model legislature, bringing together boy and girl "lawmakers" under auspices of the YMCA Youth and Government Program, met at the State House in Trenton on April 3 and 4.

The group was addressed by Carlton W. Tillinghast, giving the second annual William S. Carpenter lecture. In his opening remarks, Mr. Tillinghast commented:

"The Youth and Government Program is an exercise in leadership. You are privileged to participate in it because other people than yourselves believe you possess those intangible elements which, added together, constitute the ability to

lead. Following the invariable rule of life, however, the privilege carries with it an equal responsibility. That responsibility is to carry back into your communities the influence of this program and to follow its precepts likewise in your own thought and action throughout your lifetime.

"I say" this program is an exercise. In it you are placed in the position of legislators, cabinet officers and even governor of the sovereign state of New Jersey. You are brought face to face with the problems of the day and charged with the task of finding solutions to them.

"The role in which you are cast is a challenge. You are each deemed to be the representative of a constituency, whether that be a local district or, as in the case of cabinet officers and the governor, the people of the state as a whole. However, in a broader sense, even though you may represent a single county you must grapple with issues affecting the well-being of the entire state and all of its people. Thus you must deal with the question of balance, searching out that which is good for your separate constituencies and at the same time good for the state as a whole."

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In Turlock, California, where the Rotary Club's Student Government Day was staged, the student city council debated the question of whether the city should have a council-manager form of government. Students made a tour of city facilities before holding their council meeting.

## Sponsors Faculty Fellowships

The Citizenship Clearing House of Western Pennsylvania has sponsored five fellowships to supplement and enrich the experience of teachers of government and politics. They permit faculty members to spend a week in Washington in association with Pennsylvania congressmen. The fellowship covers both travel and

living expenses. Morris Ogul of the University of Pittsburgh has spent a week in Washington working with Congressman James Fulton; Carl Poke, of the same university, had an appointment with Congressman Elmer Holland. Later, faculty members from Mt. Mercy, St. Vincent and Westminster Colleges will be associated with Congressmen Clark, Dent and Moorhead. Congressmen Kearn and Saylor will also participate with faculty members from Indiana State Teachers College and Gannon College.

### **Legislative Internships**

Graduate students of five California universities, studying political science, law and journalism, are helping staff legislative committees in an internship arrangement that began at the last session. The positions are full time, lasting ten months.

### **Recent Publications**

The League of Women Voters of the United States has made an *Inventory of Work on Reapportionment by State Leagues of Women Voters* (Washington, D.C., 1959, ten pages, ten cents). It covers the activities of 24 state groups.

The February 1959 issue of *Facts*, published by the League of Women Voters of Atlanta, is devoted to a *Political Directory 1959*. All administrative and legislative officials and members of boards and commissions, for the city and county, are listed with addresses and phone numbers.

*Annie at Anniston* is a most interesting publication from the League of Women Voters of that Alabama community. Printed on multi-colored paper, it cites the duties of the city's various departments and boards.

*A Guide to the Legislature* has been published by the League of Women Voters of Illinois (Chicago, 1959, 16 pages, 35 cents.)

The League of Women Voters of Maryland has issued *Paying Our Way . . . Maryland State Taxes and You* (Bladensburg, Maryland, 1958, 36 pages, 25 cents). Illustrated with small pen and ink sketches, the pamphlet lists and describes the types of taxes used in the state.

*The 1958 American Voter*, Congressional and State Election Edition, is "an election year review of the Senate, the House of Representatives, state offices and voting procedures." Data on Alaska are included. The 24-page pamphlet (available from the Century Press, Toledo, Ohio) describes the setup of the two houses of Congress, their powers and functions, contains an illustration of how a bill becomes a law as well as a 1958 election map by states, and describes state officers and legislatures, voting procedures and qualifications.

The American Council to Improve Our Neighborhoods (ACTION) has published its *Summary Proceedings of Working Conferences on Citizen Participation in Neighborhood Conservation and Rehabilitation*. The conference was sponsored by ACTION and by the Allegheny Council to Improve Our Neighborhoods—Housing, of Pittsburgh, where the conference was held September 12, 1958.

Several local Leagues of Women Voters have made available to their members pamphlets which list officials, particularly legislative representatives. The New York City league has *They Represent You* (16 pages, 25 cents); the Seattle league has a pamphlet of the same title (8 pages, five cents) as does the Greenburgh, New York, League.

Two pamphlets come from the League of Women Voters of Idaho: *Municipal Home Rule for A Greater Measure of Local Self-Government in Idaho* (Box 458, Notus, 8 pages, five cents) and *The Idaho Adoption Law and Procedures* (19 pages, 25 cents).

Researcher's Digest . . . . .

Ralph W. Conant and  
Patricia H. Shumate, Editors

## Connecticut Charter Guide Revised

### Three Alternative Plans Provided for Municipalities

CONNECTICUT is fortunate in numbering among its citizens many who have a deep and continuing interest in improving their communities. Among these persons there has developed an increasing awareness that certain local governmental machinery is no longer adequate to the needs of a modern community. Some need slight repair; in other cases extensive overhauling seems indicated.

Passage of the home rule act by the 1957 General Assembly has given impetus to local review of municipal government organization. Because of the stream of requests to the Connecticut Public Expenditures Council its Municipal Consulting Service has revised its *Guide to Charter Drafting* (Hartford, 4th edition, 1959, 99 pages, \$5.00) for use of citizens confronted with overhauling and modernizing their local governments. This volume is beamed primarily at civic leaders in communities of 5,000 population or more.

The *Guide* emphasizes provisions tested by experience. Most of the suggestions may be found in earlier acts of the Connecticut General Assembly authorizing basic changes in the governmental structure of municipalities. The charter-drafting experience of towns and cities in Massachusetts, New Jersey and New Hampshire has also been utilized. In addition, extensive use has been made of the *Model City Charter* prepared by nationally recognized experts in the field of municipal government and published by the National Municipal League.

The *Guide* brings together the essential provisions, with various alternatives, from which citizens may select and assemble a workable charter. It embodies provisions for a local governmental structure: its functions, powers and duties; its legislative, judicial and administrative organization; and means for effecting the change from the present form of government to a new one. The volume sets forth no suggestions for drafting methods nor does it present arguments for any one form of government.

The new edition continues the practice of the others in providing for council-manager government, with an alternate council-strong mayor plan. A new section has been added, providing for a form of government in which a board of selectmen is retained and major administrative responsibility is vested in the selectmen's chief administrative officer.

Three appendices contain necessary provisions for: (1) The continued operation of the town meeting and, as a substitute, establishment and operation of the representative town meeting; (2) partisan election procedures in place of nonpartisan elections; (3) recall of elective officers, and (4) direct citizen participation in the legislative process through initiative and referendum proceedings.

Used as a manual and a guide, this publication will reduce the time involved in preparing a charter. It provides a pattern for the "sound and effective organization of town, city and borough government." The council cautions, however, that "neither the time and effort which have gone into the preparation of this *Guide*, nor the time and effort of the best intentioned citizens who choose to make use of it, can, of themselves, insure the adoption of a more efficient form of government. That goal can be achieved only by winning the community's support."

## Texas Counties Get Medical Examiners

Texas has responded to the National Municipal League's program for competent medical examiner systems to the extent of making such systems available to its four most populous counties and two of them, Bexar (San Antonio) and Harris (Houston), have taken advantage of the permission. *The Medical Examiner in Texas*, by Wayland D. Pilcher, (Institute of Public Affairs, University of Texas, Austin, 1959, 68 pages, \$1.50) reports the initial performance and cost of the new setups, the increased care and competence in the ascertainment of the 20 per cent of deaths unattended by physicians, constituting encouragement for the other two big counties to start a similar replacement of the work of the justices of the peace, who in Texas are endowed with the coroner function.

The pamphlet also canvasses competently the National Municipal League's *Model State Medico-Legal Investigative System*, endorsed by the Commissioners on Uniform State Laws, and the variations thereof already existing in the states which have abandoned coroners.

Similar pamphlets have been developed in recent years in Alabama, North Carolina, New Mexico, Minnesota, Wisconsin and Kansas.

R.S.C.

## How Can a University Pay for City Services?

The relationships of an institution of higher learning and the surrounding city or town are perennial topics of discussion in most college areas. In California, Berkeley's concern over the University of California's impact on the cost and revenues of the city prompted an exploration by the Bureau of Public Administration of university compensation for city services. As a result of its studies the

bureau has published *The University and the City*, by James W. Harvey (December 1958, 67 pages, \$2.00).

Educational institutions in California are exempt by state law from local property taxes. Consequently, the university cannot contribute to the costs of city services in the ordinary way. One justification for this exemption is that a city in which a state university is located is perhaps more than compensated for any expense by the benefits it receives in terms of income, employment, cultural, educational and recreational opportunities, special services and higher property values.

In recent discussions with the institution, however, and in public statements, Berkeley has advanced the idea that the university should share the cost of such specified services as police and fire protection and ambulance service.

In the face of this situation, the bureau's study explores other means than property taxation by which the university might contribute to city service costs. The methods of compensation considered are: (1) Paying taxes at regular rates, (2) making contributions in lieu of taxes, (3) making occasional lump-sum payments to assist with the costs of particular projects, or (4) making regular payments designed to cover the costs of services rendered to the university, the method which Berkeley is now proposing.

## Surveys Unemployment Benefit Financing

Widespread unemployment during the 1958 recession accelerated concern for financing unemployment benefits in West Virginia. As a result, the Bureau of Government Research of West Virginia University and the State Department of Employment Security, in a joint publication, *Financing Unemployment Benefits in West Virginia*, by Donald E. Hayhurst and Walbert W. Kaempfer, (Morgantown, December 1958, 68 pages) analyze the factors which, in the past, have

borne immediate relationship to the problems of assisting the unemployed. The study projects these factors to determine the state's ability to meet needs in the years ahead.

Possibly for the first time in a study of this kind, the authors use state revenues as one of the several indications of the volume of commercial activity in the state.

### **British Columbia Studies Metropolitan Areas**

In Canada, as elsewhere, metropolitan areas are spreading. By 1980 it is predicted that four out of every five Canadians will be urban dwellers. Nowhere in Canada is this trend moving faster than in the lower mainland of British Columbia. As a consequence, the Department of Economics and Political Science, University of British Columbia, has published *A Survey of Metropolitan Government* by David C. Corbett with assistance of Eleanor R. Toren (Vancouver, September 1958, 95 pages). It is designed to collect, describe and analyze what is happening in metropolitan areas with problems similar to those of Greater Vancouver.

### **Checklist Available For Wide Distribution**

Until recently, distribution of the Council of State Governments' *Legislative Research Checklist*, originally prepared at the request of legislative service agencies, has been limited to those organizations. However, the *Checklist* is now available to anyone interested, beginning with the March 1959 issue. Subscriptions may be obtained from the council at 1313 East 60th Street, Chicago 37, at \$5.00 a year.

The *Checklist* contains news notes which report significant developments in the legislative process and a section on research assignments which includes information on interim study assignments to legislative service agencies, committees

and commissions. It also lists assignments of special study committees created by governors. A third section reports the research completed by these agencies as well as studies relating to problems of state government prepared by university government research bureaus.

### **Legislative Councils Make Reports**

The Ohio Legislative Service Commission in Columbus has published three factual reports thus far this year: *Liquor Control Laws in Ohio* (January, 35 pages); *Nursing and Rest Homes in Ohio* (January, 42 pages); and *State Finances and Tax Resources in Ohio* (February, 36 pages).

The *Sixth Biennial Report* of the Washington State Legislative Council (Olympia, 1959) was submitted to the legislature and published in January. The 295-page document includes recommendations adopted by the council as proposals for the legislature to consider, together with documentation and material supporting recommendations. It also includes records of meetings and general research.

The Kansas Legislative Council issued a *Progress Report* in November 1958 (Topeka, 19 pages). It includes the recommendations of the council not accompanied by bills, legislative action not recommended, and description of bills and resolutions to be submitted to the legislature.

A study by the Texas Legislative Council, *Traffic Safety in Texas* (Austin, December 1958, 248 pages), was presented to the 56th legislature. It contains a summary of traffic safety laws, a description of the traffic accident problem in Texas, the state agencies' control and management programs, with comparisons of laws and measures used in other states, and those recommended by authoritative organizations, as well as suggested courses of action.



The Missouri General Assembly Committee on Legislative Research has published its *Eighth Biennial Report 1957-1958* (Jefferson City, 32 pages).

### **Michigan Council-Manager Charters Described**

The University of Michigan's Institute of Public Administration, in cooperation with the Michigan Chapter of the International City Managers' Association and the Michigan Municipal League, has issued a study entitled *Michigan Council-Manager Charters* (Ann Arbor, 1959, 69 pages), by Dale F. Bock and Harry R. Smith.

The study is an up-to-date report on the character of council-manager charters in a state with a large number (115 in 1958) of council-manager municipalities.

Data is derived from questionnaires sent to municipal administrators whose city or village charters specifically provide for their office. The study omits municipalities which provide for the official by any means other than a charter.

Four chapters describe the power and limitations of council-manager government in Michigan, the office of mayor, authority of managers and general problems concerning the operation of manager charters in municipalities of the state.

### **Eye Public Employment Retirement Plan**

*Your Government*, bulletin of the Governmental Research Center, University of Kansas (Lawrence) for December 15, 1958, considers problems of adopting a general retirement plan for all Kansas state, county and municipal employees. Such a plan has been presented to the legislature.

One important advantage of a state-wide system, the bulletin points out, is free movement of public employees between governmental agencies within the state, making public service more of a career.

### **Special Aid Programs**

A Texas Legislative Council Report to the 1959 legislature, *Services and Programs for the Mentally Retarded, Physically Handicapped and Chronically Ill in Texas* (Austin, December 1958, 470 pages) describes and evaluates state, local, private and voluntary programs and facilities for citizens requiring special aid and attention. The study recommends a coordinating commission for state welfare services.

### **LWV Examines State Taxation**

The League of Women Voters of the State of Washington discusses the long-standing fiscal dilemma of the state in *Some Problems of State Taxes—Washington* (Spokane, October 1958, 22 pages, 35 cents). The study examines problems of adjusting revenues to expenditures, of taxation equity and of the economic effects of taxes.

### **Personnel Handbook Issued**

The University of Massachusetts Bureau of Government Research has prepared a handbook for the guidance of municipal personnel board members, local personnel study committees and citizens interested in public personnel problems (*Handbook for Massachusetts Municipal Personnel Boards*, by William G. O'Hare, Jr., Amherst, 1958, 79 pages).

The *Handbook* covers the state civil service, Massachusetts municipal personnel law, the personnel program, position classification, compensation, recruitment, promotion, demotion, transfer, morale, leave, discipline and personnel rules.

### **Correction**

The first of the series of *A Selected List of Current Materials on Canadian Public Administration*, by the Carleton University Library in Ottawa, was published in September 1954, not November 1958 as stated in the REVIEW for February 1959, page 105.

# Books in Review

## *Income Tax*

**INCOME TAX DIFFERENTIALS.** By Seventeen Major Participants in a Tax Institute Symposium. Princeton, New Jersey, Tax Institute, Inc., 1958. vii, 258 pp. \$6.00.

"One . . . must conclude that the average congressman does not believe in the present high rates of income tax, especially those applicable in the upper brackets. When he sees them applied to individual cases, he thinks them too high and therefore unfair. For how else can we explain the continued congressional acquiescence in the provisions . . . permitting escape for some from these high rates, or the steady growth in special legislation relieving a particular taxpayer or group of taxpayers from these rates. True believers in these high rates would long ago have torn down the tax shelters and resisted all pressures for special relief. Instead, the reverse is true. For many taxpayers these high rates are only paper rates and the actual burden is far lower—witness the over-all 48 per cent average for the upper brackets in 1954.

"For those taxpayers whose sources of income or whose activities are not favored by these differentials, the high tax rates are very real. As a consequence, the high rate scale is severely discriminatory. . . . In effect, our income tax is becoming a structure half free, half slave."

The papers presented at the Tax Institute Symposium, held in November 1957, contain a wealth of material and the opinions voiced, as indicated above, leave no doubt as to the position of the author. The seventeen major participants were recruited from government, business, labor, law and the university and represent rich experience in the tax field.

Not only is the United States income tax evaluated in depth, but there is also an excellent comparison of tax differentials among the United States, Canada and Britain.

Note is made of the numerous accomplishments of the Tax Institute during the 25 years of its existence, with special recognition to its founder, Harold S. Buttenheim, and to Mabel Walker, its executive director.

TROY R. WESTMEYER

New York University

## *Wisconsin Politics*

**POLITICS IN WISCONSIN.** By Leon D. Epstein. Madison, University of Wisconsin Press, 1958. xiv, 218 pp. \$3.50.

Readers who are seeking an anecdotal treatment of Wisconsin's fascinating political history will not find it in this book. In a sense the title may be somewhat misleading since it is the author's purpose to examine a number of specific propositions concerning state government and politics in the light of Wisconsin data of the period 1946-57. Such personages as the three LaFollettes and Senators McCarthy and Proxmire are noted only briefly.

This book will, however, find a place in the library of the serious student of state government, next to V. O. Key's *American State Politics*. Professor Epstein's major interest has been comparative European governments. In his new volume his skill in comparative techniques is applied to the politics of American states. Briefly and perceptively he outlines the social and economic environment in which Wisconsin political events have occurred and then proceeds to test a number of specific hypotheses, many of which are derived from Key's work. The discussion is limited to a relatively few specific points that may be tested by using quantifiable data.

Of special interest is the author's analysis of partisanship and size of governmental unit. He finds that even in a state like Wisconsin, whose legislature is apportioned strictly by population, a party may not have legislative strength to the same degree that it has in state-

wide races because of the concentration of its partisans in cities or villages of a certain size.

Readers will also find of interest his examination of Wisconsin politics during a period of transition from a one (or as he says a two and a half) party state to a state tending to two-party competition, as the result of national issues affecting state campaigns.

Other topics deal with orientation on various issues of state and county party leaders of Wisconsin, party organizational structure, recruitment of state legislators with particular attention paid to the legal profession, turnover in the state legislatures, and relationship of the primary to the two-party model.

Some works on state politics have been political travelogues whose findings while interesting cannot be easily fitted into an over-all theoretical framework. This study shows how the political practices and traditions peculiar to one state can be used to advantage in the testing of general propositions of state government and politics.

CHARLES PRESS

Michigan State University

### **Manager Developments**

RECENT COUNCIL-MANAGER DEVELOPMENTS AND DIRECTORY OF COUNCIL-MANAGER CITIES. Chicago, International City Managers' Association, January 1959. 36 pp. \$1.00.

These pages, which will also appear as usual in the association's *Municipal Year Book* in May, report names of 1,601 cities and counties in the United States and Canada with the council-manager plan (1550 last year); also names of managers in office, number of cities each has served as manager, date of adoption of the plan in each city and the year each current manager was employed.

Seventy-seven communities were added to the list in 1958 but 26 were removed for various reasons including five (out

of seventeen attempts) where it was voted out by the people. Some 78 per cent of 303 managers appointed in 1958 were from out of town as compared with 79 per cent in 1957 and 58 per cent in the 1940s.

In 1957 the manager plan was in 41 per cent of cities over 10,000 population, the mayor and council plan was in 43 per cent and the commission plan in 15 per cent. When the *Municipal Year Book* brings out its precise comparisons, the current manager figure (45 per cent) which this *Directory* discloses, will surely be found ahead of the once universal mayor and council plan for these cities.

R.S.C.

### **Additional Books And Pamphlets**

#### ***Air Pollution***

HIGHLIGHTS, NATIONAL CONFERENCE ON AIR POLLUTION 1958. Washington, D. C., U. S. Department of Health, Education and Welfare, Public Health Service, 1959. 42 pp. Illus. 35 cents. (Apply Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.)

SMOKE AND AIR POLLUTION NEW YORK-NEW JERSEY. New York 19, Interstate Sanitation Commission, February 1958. 16 pp.

#### ***Annexation***

ANNEXATION ANALYSIS. A Preliminary Report on Cost-Revenue Aspects of Annexation. High Point, North Carolina, Department of Planning, September 1958. 37 pp. Charts.

A STUDY OF ANNEXATION. NORTHEAST COPLEY AREA. Akron, Ohio, City Planning Commission, n. d. 24 pp. Charts.

#### ***Beautification***

PROGRESS. 5-Year Progress Report on Keep America Beautiful. New York 16, Keep America Beautiful, Inc., February 1959. 28 pp. Illus.

**Constitutions**

NOTES ON A THEORY OF STATE CONSTITUTIONAL CHANGE: THE FLORIDA EXPERIENCE. By William C. Havard. Gainesville, Florida, Southern Political Science Association, *The Journal of Politics*, February 1959. 25 pp.

**Coroner**

LET'S GET RID OF THE CORONER. By Henry Lee. Chicago 10, American Medical Association, *Today's Health*, April 1959. 6 pp. 35 cents.

**Democracy**

IS DEMOCRACY POSSIBLE? By Robert M. Hutchins. (Address on Receiving the Sidney Hillman Award for Meritorious Public Service, New York City, January 21, 1959.) New York, The Fund for the Republic, *Bulletin*, February 1959. 5 pp.

**Directories**

DIRECTORY OF EXECUTIVE AND ADMINISTRATIVE AGENCIES OF THE STATE OF MONTANA. Missoula, Montana State University, Bureau of Government Research, July 1958. 24 pp.

**Downtown Areas**

SUBURBAN DOWNTOWN IN TRANSITION. A Problem in Business Change in Bergen County, New Jersey. By Samuel Pratt and Lois Pratt, with Assistance of Leonard Vallone. Rutherford, New Jersey, Fairleigh Dickinson University, Institute of Research, 1958. vii, 113 pp.

**Economic Development**

THE CHANGING ECONOMIC FUNCTION OF THE CENTRAL CITY. By Raymond Vernon. New York 22, Committee for Economic Development, January 1959. 92 pp. \$1.00.

CONCEPTS IN REGIONAL ECONOMIC DEVELOPMENT. By Joseph L. Fisher. Washington 6, D.C., Resources for the Future, Inc., March 1958. 16 pp.

**Education**

SCHOOL ENROLLMENT: OCTOBER 1958. Washington 25, D.C., U. S. Department of Commerce, Bureau of the Census, March 1959. 12 pp.

**Education—Finance**

FEDERAL FUNDS FOR EDUCATION 1956-57 and 1957-58. By Albert R. Munse and Edna D. Booher. Washington, D. C., U. S. Department of Health, Education and Welfare, Office of Education, 1959. xiii, 204 pp. 75 cents. (Apply Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.)

HOW TO ESTIMATE THE COST OF YOUR PROPOSED SCHOOL. A Guide for Boards of Education, School Building Committees, Town Officials, Taxpayers and Interested Citizens. Hartford 3, Connecticut Public Expenditure Council, Inc., 1959. 8 pp. Work sheet.

SELECTED ENROLLMENT AND FINANCIAL DATA FOR SCHOOL DISTRICTS IN WESTCHESTER. White Plains, New York, Westchester County Department of Planning, January 1959. 17 pp. Maps.

**Elections and Voting**

THE VOTER, HIS BALLOT, AND YOUR DUTIES. A Manual for Municipal Election Officials. Madison 3, League of Wisconsin Municipalities, February 1959. 16 pp. 10 cents.

**Election Laws**

REPORT OF THE MINNESOTA LEGISLATIVE INTERIM COMMISSION ON ELECTION LAWS. St. Paul, the Commission, 1959. 151 pp.

**Income**

INCOME IN SOUTH DAKOTA. By V. E. Montgomery and A. A. Volk. Vermillion, State University of South Dakota, Business Research Bureau, November 1958. 35 pp.

**Incorporation**

COST AND EFFECT OF CHANGING FROM VILLAGE TO CITY. Ann Arbor, Michigan Municipal League, November 1958. 13 pp. \$1.00.

**Juvenile Delinquency**

JUVENILE DELINQUENCY IN NORFOLK, VIRGINIA. Part I. Juvenile Delinquency in Norfolk Compared with That of Other Virginia Cities and Selected Out of State Cities (1954-1957). Part II. Analysis of the Juvenile Delinquency Problem Based on a Study of Individual Cases Processed by the Norfolk Juvenile Court and the Police Youth Bureau, January Thru December, 1957. Norfolk, United Communities Council of Social Agencies, January 1959. 89 pp.

PREVENTION OF JUVENILE DELINQUENCY. Edited by Helen L. Witmer. Philadelphia, American Academy of Political and Social Science, *The Annals*, March 1959. 145 pp. \$2.00.

**Land Development**

PRACTICALITIES IN RESIDENTIAL LAND DEVELOPMENT. A Symposium on Hill-sides, Community Facilities and Rental Housing. By David D. Bohannon, Rodney M. Lockwood and Franklin L. Burns. Washington 6, D. C., Urban Land Institute, *Urban Land*, January 1959. 8 pp. \$1.00.

**Legislatures**

THE LEGISLATURE AND THE LEGISLATIVE PROCESS IN THE STATE OF WASHINGTON. By Donald H. Webster, Ernest H. Campbell and George D. Smith. Seattle 5, University of Washington Press, March 1958. 35 pp. Map. \$1.50.

**Libraries**

PUBLIC LIBRARY LAW AND ADMINISTRATION IN CALIFORNIA: A REVIEW OF SELECTED PROBLEMS. By F. Patrick Henry. Berkeley, University of California, Bureau of Public Administration, December 1958. 95 pp. \$2.00.

**Mental Health**

STATE ACTION IN MENTAL HEALTH. A Summary of Financial, Legal and Administrative Developments in State Mental Health Programs 1956-1957. Chicago 37, The Council of State Governments, Interstate Clearing House on Mental Health, April 1958. 97 pp. \$2.00.

**Metropolitan Areas**

HIGH POINT—THE CITY AND THE REGION. High Point, North Carolina, Department of Planning with the Assistance of Graduate Students from the University of North Carolina, August 1958. 27 pp. Charts.

PLAN FOR GROWTH. High Point, North Carolina, Department of Planning, November 1958. 49 pp.

**Municipal Christmas Programs**

1958 COMMUNITY CHRISTMAS PROGRAM. Richmond, California, City Manager's Office, 1958. 90 pp.

**Municipal Policy**

THE NATIONAL MUNICIPAL POLICY OF THE AMERICAN MUNICIPAL ASSOCIATION. Chicago 37, the Association, 1959. 21 pp.

**National Guard**

SOLDIERS OF THE STATES. The Role of National Guard in American Democracy. By William H. Riker. Washington, D. C., Public Affairs Press, 1957. 129 pp. \$3.25.

**Natural Resources**

PERSPECTIVES ON CONSERVATION: ESSAYS ON AMERICA'S NATURAL RESOURCES. Edited by Henry Jarrett. Baltimore 18, The Johns Hopkins Press, 1958. xii, 260 pp. \$5.00.

**Police Unions**

POLICE UNIONS. Washington 6, D.C., International Association of Chiefs of Police, August 1958. 74 pp.

### Politics

POLITICS AND THE CORPORATION (Reprint). By Andrew Hacker. New York 17, The Fund for the Republic, 1958. 13 pp. Single copies free. Additional copies 15 cents each.

### Public Welfare

PUBLIC WELFARE IN METROPOLITAN CLEVELAND. Cleveland, Metropolitan Services Commission, 1958. 38 pp. \$1.50.

### Right to Work

"RIGHT TO WORK" IN PRACTICE. By Frederic Meyers. New York 17, Fund for the Republic, 1959. 46 pp.

### Sewerage

SANITARY SEWERAGE AND STORM DRAINAGE IN GREATER CLEVELAND. Cleveland, Metropolitan Services Commission, 1959. 19 pp. 75 cents.

### Shopping Centers

PRACTICALITIES IN SHOPPING CENTER OPERATIONS. A Symposium on Branch Banking, Shopping Center Leasing and Advantages in Developing Small Shopping Centers. Washington 6, D.C., Urban Land Institute, *Urban Land*, February 1959. 12 pp. \$1.00.

TAXATION AND THE SHOPPING CENTER. A Statement of Policy by the Community Builders' Council of Urban Land Institute. Washington 6, D.C. The Institute, February 1959. 4 pp.

### State Reorganization

PROPOSED ORGANIZATION OF THE EXECUTIVE BRANCH STATE OF ALASKA. A Summary Report. Chicago, Public Administration Service, November 1958. 27 pp.

### Streets and Highways

THE FINANCIAL ASPECTS OF THE NATIONAL HIGHWAY PROGRAM. By Louis

W. Prentiss. (Address before the Municipal Forum of New York.) New York, The Forum, 1959. 16 pp. (Apply William J. Riley, E. F. Hutton & Co., 61 Broadway, New York 6.)

THE NATIONAL ENVIRONMENT OF URBAN GROWTH AND HIGHWAY CONSTRUCTION (Reprint). By Edward A. Ackerman. Washington 6, D.C., Resources for the Future, Inc., March 1958. 12 pp. Single copies free. Additional copies 25 cents each.

### Taxation and Finance

TREASURY MANAGEMENT. By George DiLauro, Dudley E. Batchelor, etc. Chicago 37, Municipal Finance Officers Association of the United States and Canada, *Municipal Finance*, February 1959. 31 pp. 50 cents.

### Traffic

DOWNTOWN TRAFFIC 1970—A BLESSING OR A CURSE? By Max S. Wehrly. Washington 6, D.C., Urban Land Institute, *Urban Land*, March 1959. 3 pp. \$1.00.

### Water

GROUND-WATER RESOURCES OF HARRISON COUNTY, WEST VIRGINIA. By R. L. Nace and P. P. Bieber. Morgantown, U. S. Geological Survey in Cooperation with the West Virginia Geological and Economic Survey, June 1958. 55 pp.

### Zoning

ZONING FOR MINIMUM LOT AREA. Comments Based upon Consideration of *Bilbar Construction Company v. Board of Adjustment of Easttown Township* (Pennsylvania). By William B. Ball, Theodore O. Rogers, Walter W. Rabin, D. Barry Gibbons and John G. Stephenson, III. Villanova, Pennsylvania, Villanova University, School of Law, Communities Research Institute Project, 1959. 79 pp.



# Merger Called Challenge to Cities

The consolidated government of Baton Rouge and East Baton Rouge Parish (County) has been an inspiration to other communities as an example of "American political ingenuity at work," Cecil Morgan, League president, said in an address at a celebration of the tenth

anniversary of that area's adoption of its present government.



Cecil Morgan

Mr. Morgan, now executive assistant to the chairman of the board of the Standard Oil Company of New Jersey, was a member of the legal

advisory group of the commission which formulated the consolidated government a decade ago.

The breaking down of the parish into the urban, industrial and rural areas was, he said, unique in charter writing. He pointed out that such a breakdown was made necessary for tax purposes because a large industrial area had been set aside and commitments made not to tax that area for services which the industries provided for themselves.

The city-parish arrangement, Mr. Morgan said, is the only true example of city-county consolidation in the past 50 years. "Civic leaders in scores of communities have approached their problems with new confidence because Baton Rouge demonstrated that public problems, no matter how tough they are, can be solved."

Mr. Morgan pointed out that the charter commission had been greatly benefited by advice and information from the National Municipal League.

## *Addresses Conference*

James C. Worthy, League regional vice president, gave a principal address at the recent sixth National Conference on Solicitations at the Pick-Congress Hotel in Chicago and reported on a survey of business contributions patterns in that city. Allen H. Seed, Jr., League assistant director, also attended the conference.

## *Gets High State Post*

Freeman Holmer, chairman of the League's committee which is preparing a revision of the *Model Election Administration System*, has been appointed director of finance and administration by Governor Mark Hatfield of Oregon.

Mr. Holmer, who was previously in charge of administering the Oregon election system, had headed the secretariat of a legislative committee which several years ago revised the election laws of that state.

## *Elected to Board*

League President Cecil Morgan has been elected a member of the board of the American Heritage Foundation. John C. Cornelius, president of the foundation, is a member of the League's Council.

## *Gets Service Award*

W. Richard Lomax, director of personnel for the Federal Housing Administration, has received the distinguished service award of the Housing and Home Finance Agency. Mr. Lomax started his public service career as a fellow in the Institute of Politics at the University of Indiana, which was co-sponsored by the National Municipal League.

# States Told to Fix Constitutions

States need to live up to their responsibilities and "experiment boldly with new programs," John P. Wheeler, Jr., director of the League's State Constitutional Studies Project, suggested in an address before the recent 35th annual convention of the International Association of Torch Clubs in Greenville, South Carolina.



John P. Wheeler, Jr.

Dr. Wheeler, who is with the League on leave from the Political Science Department of Hollins College, Roanoke, Virginia, said, "Those who argue so vociferously for states' rights would do well to study the encouragement given centralization in Washington by the inadequacies of our state constitutions."

Saying that the states face great opportunities and can be the architects of their own future if they are equipped to meet new challenges, Dr. Wheeler asserted that most of our state legislatures "lack the constitutional elbow room for confronting and treating the problems of mid-20th century."

Among the weaknesses he discussed was the failure of many states to reapportion their state legislatures in accordance with the shift of population to urban areas. "Thwarted by unresponsive, often hostile legislatures," he said, "cities increasingly are by-passing the states and going directly to the federal government for help. City dwellers pay most of our taxes, cast most of our votes, but suffer when political power is apportioned."

## *Addresses Students*

Richard S. Childs, chairman of the League's Executive Committee, recently addressed the student body at Hollins College, Roanoke, Virginia, and also met with groups of students for informal discussion of problems of government and effective citizenship.

## *Speeches Here and There*

Glen R. Peterson, League senior staff associate, spoke April 10 before the League of Women Voters of Parkersburg, West Virginia, on methods of improving local government.

Other recent speeches by Mr. Peterson, who is a former city manager, have been in Hartford, Connecticut; West Orange, Belleville and Mountain Lakes, New Jersey; Vienna and Clarksburg, West Virginia.

## *At A.S.P.A. Meeting*

Four members of the League's staff—John E. Bebout, William N. Cassella, Jr., John P. Wheeler, Jr., and Ralph W. Conant—attended the national convention in April of the American Society for Public Administration.

## *Chicago-Milwaukee Visit*

After attending the meeting of Public Administration Service board in Chicago in April, Alfred Willoughby, League executive director, conferred in Milwaukee with Edmund B. Shea, member of the League's Council, and a group of civic leaders. He told the Milwaukee group that one emerging method of solving the problems of metropolitan areas is to increase the responsibilities and improve the administrative organization of counties.

## **Model Municipal Revenue Bond Law**

*Prepared by Frank E. Curley with the cooperation of 37 attorneys,  
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# Tools for Achieving Better Government

Citizen groups often turn to the League for help in achieving better government in their locality. Listed below are some of the tools available to them:

## Campaign Pamphlets

Story of the Council-Manager Plan, 36 pages (1959) .....	.20
Charts: Council-Manager Form, Commission Form, Mayor-Council Form (14 $\frac{3}{4}$ x 22"), 50 cents each, set of three .....	1.00
Forms of Municipal Government—How Have They Worked? 20 pages (1958) .....	.25
Facts About the Council-Manager Plan, 8 pages (1959) .....	.05
City Employees and the Manager Plan, 4 pages (1959) .....	.05
Comments of Labor Union Leaders in Council-Manager Cities (mimeo- graphed), 6 pages (1959) .....	.10
P. R. [Proportional Representation], 12 pages (1955) .....	.05
The Citizen Association—How to Organize and Run It, 64 pages (1958) .....	1.00
The Citizen Association—How to Win Civic Campaigns, 64 pages (1958) .....	1.00
(The two pamphlets above may be purchased together for \$1.50)	

## Model Laws

Model Accrual Budget Law, 40 pages (1946) .....	.75
Model Cash Basis Budget Law, 42 pages (1948) .....	.75
Model City Charter, 172 pages (1941) .....	1.50
Model County and Municipal Bond Law, 54 pages (1953) .....	1.00
Model County Charter, 109 pages (1956) .....	1.50
Model Direct Primary Election System, 46 pages (1951) .....	1.00
Model Investment of State Funds Law, 38 pages (1954) .....	1.00
Model Municipal Revenue Bond Law, 31 pages (1958) .....	1.00
Model Real Property Tax Collection Law, 60 pages (1954) .....	1.00
Model State and Regional Planning Law, 73 pages (1955) .....	1.00
Model State Civil Service Law, 32 pages (1953) .....	.75
Model State Constitution, 63 pages (1948) .....	1.00
Model State Medico-legal Investigative System, 40 pages (1954) .....	.50
Model Voter Registration System, 56 pages (1957) .....	1.00

## Other Pamphlets and Books

American County—Patchwork of Boards, 24 pages (1946) .....	.35
Best Practice Under the Manager Plan, 8 pages (1957) .....	.15
Civic Victories, by Richard S. Childs, 367 pages (1952) .....	3.50
Coroners—A Symposium of Legal Bases and Actual Practices in 44 States, 90 pages mimeographed (1959) .....	2.00
Digest of County Manager Charters and Laws, 82 pages (1958) .....	2.00
Compilation of the 48 Direct Primary Systems, 55 pages (1958) .....	2.00
Guide for Charter Commissions, 44 pages (1957) .....	1.00
Guide to Community Action, by Mark S. Matthews, 447 pages (1954)....	4.00
Manager Plan Abandonments, by Arthur W. Bromage, 40 pages (1954) ..	.50
New Era, New Thinking—Transition to Metropolitan Living, by Luther Gulick (Reprinted from NATIONAL CIVIC REVIEW) 8 pages (1959)....	.15
New Look at Home Rule, by Benjamin Baker etc. (reprinted from NATIONAL MUNICIPAL REVIEW), 32 pages (1955) .....	.50
Proportional Representation—Illustrative Election, 8 pages (1951) .....	.10
Proportional Representation—Key to Democracy, by George H. Hallett, jr., 177 pages (1940) .....	.25

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